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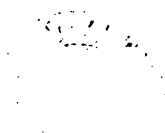
THE
LIFE AND CAREER
OF
HENRY
LORD BROUGHAM.



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LIFE OF LORD BROUGHAM.



CASSELL'S REPRESENTATIVE BIOGRAPHIES.

THE
LIFE AND CAREER
OF
HENRY, LORD BROUGHAM.

WITH
*EXTRACTS FROM HIS SPEECHES, AND NOTICES OF
HIS CONTEMPORARIES.*

BY
JOHN M^CGILCHRIST.



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P R E F A C E.



THE following pages record with necessary brevity, but it is believed with faithfulness, the life-story of one who has passed from us as full of honours as of years. Without the aid either of great wealth or of political influence, Henry Lord Brougham and Vaux early achieved a greatness, to which the peerage subsequently conferred upon him for his services added nothing but the stamp of his sovereign's recognition. His untiring industry, no less than his brilliant abilities, placed him in the fore-front of his profession. His generous sympathies threw him in the vanguard of that small but determined band of philanthropic statesmen who, in the face of obstacles which looked insuperable, succeeded in impressing their love of freedom upon the legislation of Great

Britain during the first half of the present century. Such a life-story cannot but be full of encouragement for the young of all conditions; and inasmuch as the triumphs of Lord Brougham were, for the most part, achieved before the present generation were born, it has been thought well to narrate as succinctly as may be the leading incidents of the long and splendid career which, commencing in Edinburgh ninety years ago, closed at Cannes, in France—the winter retreat of the illustrious Lord Chancellor.

/

May 11th, 1868.

LIFE AND LABOURS OF HENRY, LORD BROUGHAM.

CHAPTER I.

ANCESTRY AND BIRTH.

A.D. 1778.

The Ancestry of Lord Brougham—Romantic Story of his Father's Marriage—Brougham's Birth—Contrast between the Epoch of his Birth and the Present Times.

LORD BROUGHAM started in life the inheritor of no noble title, and with no further advantages than the not inconsiderable benefit of occupying the position of the eldest son of a country squire, possessing not more than average wealth and acres. He came into the world, however, with what seems a tolerably authentic pedigree, which carries us much farther into the past than the genealogical trees of nine-tenths of the peers and ancient county families of England. That the subject of our memoir attached some importance to and took some pride in his possession of ancient and accredited gentle blood, is obvious from the fact that when his forensic achievements and political merits were rewarded with the Lord High Chancellorship of England, he elected as

the titles of his barony his own paternal surname and that of an illustrious ancestress who had married into the family of Brougham in a remote age. Although the curiosity of our readers is vastly more concerned with the actual deeds and services of the last representative of the ancient name than with any account of its former owners, yet we should needlessly depart from what is, to say the least, the harmless precedent of biographers, were we to omit all notice of what Lord Brougham's countrymen call the "forbears," and what the English call the "ancestors"* of the man whose biography we have undertaken to write.

The Broughams are a Saxon family; they claim to have occupied before the Conquest the lands which the late peer owned. Camden, in his "Britannia," published in 1600, mentions the family as then owning land in the parish of Brougham, in the county of Westmoreland. He and others assert that the name of the place and family was derived from a Roman station called Broviacum, situate on the Roman wall and road which transected the north of England. Hutchinson, in his "History of Cumberland," says, "This family may be said to stand unusually eminent in point of antiquity, from having originally assumed the name of the Roman station, an area to the south of Brougham Castle, the 'vallum' and outward ditch of which are yet very distinguishable."

What is now written and pronounced "Brougham," we find was for many ages spelt "Burgham." A Walter de Burgham was Lord of the Manor in the time of

* In Latin, *anti-sessores*; in English, etymologically translated *fore-sitters*, those who *sat before*, in possession of one's patrimony.

Edward the Confessor. From him descended William de Burgham, who held his lands of Henry I. by the ancient tenure of drengage, a circumstance which, by legal antiquaries, will be accepted as a valid confirmation of the allegation that the Brougham stock dates from "before the Conquest." Coming a few reigns nearer our own time, we find a De Burgham, with knightly rank, "making fine to King John not to go to Normandy." In 1351 we find a De Burgham Sheriff of Westmoreland; and in 1383, another returned to Parliament as knight of the shire. An entry in the "Record of Assizes, and Gaol Delivery," still preserved in the Chapter House of Westminster Abbey, specifies a De Burgham, a contemporary of Henry VI., Jack Cade, and Joan of Arc, acting as one of the King's Justices for the northern counties. More than a century later, in 1553, Thomas Burgham married the heiress of John Vaux of Catterlen and Tryermayne, thus introducing into the veins of his progeny undoubted Norman blood. Coming yet further down, and remarking that longevity characterised most of the race, we read that Henry Brougham of Scales Hall died in 1789, ten years after the birth of his great-great-grandson, at the age of a hundred and six, and having lived as a subject of seven English sovereigns. This patriarch survived all his own sons, and was succeeded by his grandson, on whose death the father of Lord Brougham became the head of the family and the inheritor of the estates. It is a singular circumstance that, although public documents and the honourable pride of the family have preserved with such rare accuracy and unbrokenness so ample a record of ancestors and their doings, not one of the De Burghams and Broughams appears to have been a man of and

remarkable personal distinction of character. We read of none of them as noticeable in any by-nook of English history ; they seem to have taken no leading, or even secondary, part in any of the great national struggles. Lord Brougham's own father, we are informed on good authority, was "a rather weak man." Lord Brougham himself was the first of some fifty ancestors whose Christian names are preserved, who won a reputation beyond the limits of the ancestral county. Doubtless, it was from his mother that he inherited the powers and perseverance which made him one of the foremost Britons of his time.

Henry Brougham, of Brougham Hall, in the county of Westmoreland, and of Scales Hall, in the county of Cumberland, was born in 1742. He seems to have followed no profession ; and we have discovered no incident of his life until he was upon the eve of his marriage. There is a romantic story told about that important event. To what degree it is authentic we do not attempt to say ; as we have received it, so do we reproduce it ; our authority being *Chambers's Traditions of Edinburgh*. It is there narrated that he had been betrothed to a young lady whose parents resided in his own neighbourhood. Shortly before the approaching nuptials she sickened and died. Mr. Brougham was affected by such poignant grief that his friends feared for his sanity. They urged him to remove for a time from scenes every one of which recalled to him memories which were too cruel for endurance. He accepted their advice, and betook himself to Edinburgh. Having secured a temporary lodging at an inn, he sallied forth to walk through one of the most picturesque cities in the world. He ascended to the ancient castle,

and entered into conversation with a citizen, or a stranger better acquainted than himself with the neighbouring scenery. This person courteously pointed out to the Cumberland gentleman the leading points of the magnificent panorama that stretches within the gaze of him who stands upon the Half-moon, or the Mons Meg, Battery. Being impressed with the apparent respectability of his chance companion, Mr. Brougham requested him to inform him where he could find suitable apartments and accommodation while he remained in the Scottish metropolis. He was recommended to stay at a boarding-house kept by an estimable widow lady at the foot of the Grassmarket and head of the Cowgate—the latter being now the St. Giles's of Edinburgh. Mr. Brougham followed the stranger's advice, and took up his abode under the roof of the lady who had been recommended to him. It turned out that she was the widow of the Reverend James Syme, who had been the parish minister of Alloa, and the sister of no less a man than the very head of Edinburgh society, Dr. Robertson, the Principal of the University, and the well-known biographer of Charles V. Whether the introduction was so casual and fortuitous we know not. This, at least, is certain, that Mr. Brougham did live for a time in the house of Mrs. Syme. Equally certain is it that the visit to Edinburgh, which had been recommended to him to obliterate the memory of his former passion, was entirely successful; for he fell in love with his landlady's only daughter, Eleanor, wooed her and married her, in the year 1777. He took up his permanent abode in Edinburgh. His position in life enabled him to select any place he chose for a residence. His bride, who was her mother's only surviving

child, may have influenced him to select the city where he had won her, and where her mother lived. Mr. Brougham himself was, doubtless, far from insensible to the advantages which would spring from the introduction to pleasant and profitable society which his wife's uncle could not fail to secure him. The lovely New Town of Edinburgh was just at the time beginning to be built, and Mr. Brougham chose as his residence the house at the north-west corner of St. Andrew's Square, the first square built in the New Town. In this house Henry, the eldest child born to Mrs. Brougham, first saw the light, on the 19th of September, 1778.

Hardly anything is more difficult than to estimate what may be designated by a metaphor, whose meaning is obvious, historical distance or perspective. Any one can think or say—and no one can fail instantaneously to think—when the time contained between 1778 and the date of Lord Brougham's death is presented as the term of one man's life—"What a long and momentous time to have lived!" But even the first vague astonishment far from approaches the wonder which dawns upon the mind when certain landmarks are suggested for the assistance of our retrospective vision, and for the more precise fixature of the actual distance of the date of Lord Brougham's birth from that at which these words are written or read. If we accept the legend of Mr. Brougham's courtship as correct—and we confess to a reluctance to reject it—we can very safely and naturally imagine him preferring the locality whence he was first accidentally directed to his wife, as a favourite scene of his rambles. Nor could he have found a more enchanting spot in all Edinburgh or its environs. Standing on the Castle Hill, or on the

higher altitude of Arthur's Seat, the wide and diversified scenes that met the gazer's eyes in the year of Mr. Brougham's marriage, or in that of the birth of his eldest born, were different indeed to those which the tourist or inhabitant beholds with admiration to-day. Different we mean only in respect of the changes which man has wrought. The grand features of Nature are the same to-day as when Mr. Brougham first gazed on the Firth of Forth—nay, as when the Romans first built their fort of Alata Castra on the summit of the rock which Wallace and the Black Douglas scaled, and in a narrow chamber of which the first Stuart king of England was born. They are the same as when the first colony of immigrant Celts gazed on the undulating plains of Lothian and the green hills of Fife. Man may scratch the sides of the everlasting hills, but he cannot root them up, or alter their magnitudes. Ever since the last glacier glistened and thawed in the bosom of a Caledonian valley—ever since the floating icebergs whose course Hugh Miller has defined, ceased to rut the stones over which they rode with indentations as straight as those graven by the subtlest craftsman—the same prospect in all essential features has presented itself to the human gazer from any of the three overhanging heights which give to the Queen of the North more than half her picturesqueness. Inchkeith still lies imbedded in the billowy Forth, as she ever did; the Lomond hills look down upon Loch Leven as they did many thousand years ere their cliffs echoed the oars of the gallant gentlemen who rescued their lovely queen; Benledi still towers far beyond the Ochils, as it towered ages before the Lady of the Lake so courteously entertained under its shadow the gallant ancestor of Queen

Mary ; Esk and Almond to-day flow as they flowed on the day when they first trickled from their sources in the Pentlands ; and the Bass Rock and the Isle of May laugh at the buffetings of the waves that roar across the sea from the old eyries of the sea-kings, as they laughed when Hardrada and Haco first turned their prows towards the fields of Stamford Bridge and Largs.

But, in minor aspects, how changed is the scene ! In 1778 the Lothians were still mostly moorland ; they are now the wheat-producing granary of Scotland. When the elder Brougham first looked from the Castle Hill, the Sheriff Muir, where the king who fell at Flodden marshalled his hosts, was still a barren heath ; it is now covered with the suburban cottages of Edinburgh burghers. When Brougham looked upon it, the only sign of human occupancy upon its considerable expanse was the castle of the man who invented logarithms. If he looked northwards to the sea, the slopes on which the freestone squares and streets of the New Town now sparkle in the sun, then fed cows for the dairies which supplied the chafferers of the Luckenbooths and the douce traders of the Canongate. The green sward of the Calton Hill was then relieved by nought but a hideous observatory. It is now a very Acropolis of monuments and choragic temples erected to the memory of men who were lecturing in the City College when Brougham's son became one of its alumni, and to the victors of those great fights of our century, by sea and land, which were won when he was gaining his earlier forensic and senatorial laurels. Out of its side has been scooped a site for the elegant structure which succeeded the old High School, which young

Brougham attended, and whose class-rooms are now tenanted by the fever-patients of the City Infirmary. The broad estuary, which gives an especial charm to the prospect, then sparsely bore the sails of Newhaven fishing-boats and infrequent brigs bringing claret from Bordeaux and timber from the Baltic. A hundred square-built Scandinavian and Hanseatic vessels now lie in the port of Edinburgh, and the long, curling lines of the smoke of steamers are never absent from the roads.

But the moral and intellectual changes that have been developed in the era that has elapsed between the year of Brougham's birth and the present day, are still more astounding. Scotland was fast becoming an intellectual province of England when Brougham was born—during one epoch of his lifetime she exercised a literary supremacy over the world. Long ere now has this supremacy passed from her, and again she has become mainly provincial, and lives in a dilettante manner on the contemplation of her past literary glories. Scotland has had two eras of greatness—the time of John Knox, Andrew Melville, and George Buchanan, and the time of David Hume, Robert Burns, Walter Scott, Dugald Stewart, and Thomas Chalmers. At Brougham's birth her old victories in the field were forgotten. Dunbar, Killiecrankie, and Culloden were then more recent memories than Bannockburn and Ancrum Brig. Her old poetry, though it still existed latent and local, seemed to have died out. True, the succession of her bards had never been broken. But the hymnology of the days of the Covenant was as unknown as it was unintelligible south of the Tweed. Allan Ramsay had written in his Lawnmarket shop a pastoral, whose sweetness and purity equal if they do not outvie the

merits of Theocritus and his Mantuan paraphrast; and over the dead of the Jacobite Rebellion as pathetic dirges had been sung as for those who fell in the old feuds of the Borders or the battles of Montrose. But the fame of Burns had not yet burst forth, and Sir Walter had not sent all the world to the pages of Jamieson's Dictionary, that they might miss no shade of meaning in the patois of Jeanie Deans and Baillie Nicol Jarvie. In one intellectual field only was the kingship of Scottish mind beginning to be recognised. Hume placidly left the world two years before Brougham entered it; and since Hume's days, all metaphysics and psychology have taken the form either of refutation or amplification of his cardinal doctrines. When Brougham was born, Dugald Stewart had not commenced those prelections the fame of which drew to his class-room those youthful hopes, and subsequent leaders of the Whig party, no survivor of whom now remains. Abbotsford was not built, its builder not yet in his tenth year. Burns had not yet seen Highland Mary, and no verse of his had yet been printed. The ancient "*perfervidum ingenium Scotorum*" existed; the muse of her old patriotic and pathetic poesy had not fled, like Astræa, from her glens and hill-sides. But on the world she exerted no influence. She had not begun to assert herself. Her men of genius, who had migrated northwards, had striven first to Anglify themselves, to disguise their jeered-at brogue, and to write in the mode of Pope and his stilted imitators. Malloch, the literary executor of Bolingbroke, had changed his name to Mallet, that his nationality might be disguised. In not one line of the works to which Arbuthnot contributed his share with his friend

Pope, do we find an allusion that betrays any recollection of his Aberdeenshire birth-place. Thomson was far more the poet of the Thames than the poet of the Tweed ; Armstrong's tedious didactic periods have far more the impress of the urbane associations of London life than of his rough but honest natal Liddesdale. By far the larger portion of the intellectual and literary history of his native land was commenced, transacted, and concluded, during the years of Brougham's life.

Nor does the rapidity at which the world has lived, and the large amount of history—so to speak—which has been achieved since he was born, appear less if we leave references to Scottish associations, and glance at the land of his paternal ancestry and of his own adoption. Lord Chatham was barely dead when Brougham drew breath. Garrick died about the time that he was weaned. He had almost entered the University when Mansfield, who had been the friend of Pope, followed him to the tomb. Burns died after his first contribution to the "Transactions of the Royal Society" had been printed, and he was travelling on the Continent when the sweet poet of "The Task" gained the rest he so long yearned for. He was learning to read when the famous Coalition Ministry was formed ; he may have begun to develop some understanding of politics when Pitt first received office as Chancellor of the Exchequer, and Burke as Paymaster of the Forces. He was an intelligent and thinking boy when Warren Hastings was arraigned, and when the old bloated *debauché* who had been almost worshipped by Scottish maidens when he held his court at Holyrood, was buried in a land far distant from the tombs of his royal forefathers. It was after Brougham's natal

day that Sir Hyde Parker drubbed the Dutch on the Dogger Bank, and that the abstemious and ascetic Elliot stood at bay in the bristling galleries of Gibraltar. While he still hung on the bosom of his amiable and witty mother, the United States, which ere his death passed through a more stupendous ordeal than ever before befell ancient or modern commonwealth, were in the thick of their fight for independence.

CHAPTER II.

CHILDHOOD, SCHOOL, AND COLLEGE.

A.D. 1779—1797.

Childhood—Early Intimacy with Francis Horner—The High School—
Dr. Adam—Brougham's "First Explosion"—The University—
Brougham's Precocity in Science—Dugald Stewart.

THE earliest notice we have succeeded in discovering of Brougham in the biographical memoirs or historical reminiscences of any of his contemporaries, is in the life of Francis Horner, by his brother Leonard, who long survived him. This record of the life of one who was cut down in the early promise of his days, is excelled by no other published work as an exemplar and guide to be put into the hands of the young. Fortunately for our purpose, "Horner's Remains" abound with references to Brougham. The two were playmates in childhood, fellow-pupils at the High School, fellow-students in the class-rooms of Dalzell and Dugald Stewart, fellow-disputants in the debating societies of the University; most of their studies and almost all their friendships were common. They imbibed the same political opinions from a common source, and nourished them in a companionship which was accessible and congenial to both. They were both founders of the *Edinburgh Review*. On the same day they were admitted to the Scottish bar; at nearly the same time they became English barristers; by a common

influence they obtained seats in the British Senate. Horner's "Memoirs" are almost entirely composed of diaries and letters by his own hand. To a large extent they are as available to him who wishes to acquaint himself with the leading incidents of Brougham's youth and early manhood, as to him who wishes to possess himself of the facts of Horner's abruptly-shortened career of usefulness and integrity.

Horner's father lived next door to Mr. Brougham. Francis Horner was born on the 12th of August, 1778; Henry Brougham on the 19th of September in the same year. Mr. Leonard Horner says, "His earliest friend was Henry Brougham, for before we left St. David Street, in 1780, they used to run together on the pavement before our house." In successive years the two went to the High School, then under the control of Dr. Adam, the rector or head master. They had, however, to pass three years under the tuition of subordinate masters ere they entered the rector's class. Lord Cockburn, another early friend of Brougham, gives, in his "Memorials," the following amusing picture of the costume and manners of High School boys in the days when he and Brougham were contemporary pupils:—"Among the boys coarseness of manners and language was the fashion. An English boy was so rare that his language was openly laughed at. No lady could be seen within the walls. Nothing evidently civilised was safe. Two of the masters in particular were so savage, that any master doing now what they did every hour would certainly be transported." This savage uncouthness of the children of the professional men and well-to-do traders of Edinburgh is all the more singular when we compare it with the habits of stately

courtesy and formal conviviality which prevailed at the social gatherings of their parents. At these the sliding-scale of rank and social position was strictly defined and never encroached upon. Not even a sip of wine was taken at a dinner-table, by lady or gentleman, without some brother or sister guest being pledged. The Duke of Buccleuch, once neglecting the customary form, was accused of arrogance and contempt. Each glass partaken after the removal of the cloth was accompanied by the toast of some absent fair one, or by "a sentiment"—some trite aphorism or expression of goodwill. Persons whose wits were not ready were rather puzzled when solicited for "a sentiment." A pedagogue, who on one occasion was suddenly called upon, could elicit from his brain nothing more felicitous than—"The reflection of the moon in the *cawm* bosom of the lake!"

But we are wandering from the High School boys, and Lord Cockburn's graphic pictures of them. The following is a tolerably detailed inventory of their toilette:—"A round black hat; a shirt fastened at the neck by a black ribbon, and—except on dress days—unruffled; a cloth waistcoat, rather large, with two rows of buttons and button-holes, so that it could be buttoned on either side, which, when we got dirty, was convenient; a single-breasted jacket, which in due time got a tail and became a coat; brown corduroy breeches, tied at the knees by a showy knot of brown cotton tape; worsted stockings in winter, blue cotton in summer, and white cotton for dress; clumsy shoes, made for either foot, and each requiring to be used on alternate feet daily, adorned with brass or copper buckles. The coat and waistcoat were always of glaring colours, such as bright blue, grass

green, and scarlet. No such machinery as what are now termed braces or suspenders had then been imagined." Much good-humoured use was made by *Punch* many years ago, when hardly a number appeared without a caricature of Brougham, and of his habit of wearing plaid breeches; it being asserted that he had bought a web of shepherd's tartan at Inverness, and was wearing it out in a succession of garments for his own use. And is not history becoming more sartorial? Our historiographers bestow as much notice on the costumes as upon the characters of their heroes. If we err, then, in describing the costume of Scott, and Jeffrey, and Brougham at the High School eighty years ago, we err in good company, and lower literary dignity with a multitude of palliative precedents to shelter us.

Brougham's first master at the High School was Mr. Frazer, described by one of his pupils as "a good Latin scholar and a worthy man." It was his good fortune to turn out from his successive "classes," at intervals of three years, Scott, Jeffrey, and Brougham. It may be necessary to explain that it was, and is, the practice at the High School for a master to conduct the same class of boys through their rudimentary training until they are ripe for the class of the Rector, with whom they remain for two further years. While a pupil of Frazer, Brougham won distinction which brought him a name with the whole school. We tell the story in the words of Lord Cockburn:—

Brougham made his first public explosion while at Frazer's class. He dared to differ from Frazer—a hot, but good-natured old fellow—on some small bit of Latinity. The master, like other men in power, maintained his own infallibility, punished the rebel, and flattered him—

self that the affair was over. But Brougham re-appeared next day, loaded with books, returned to the charge before the whole class, and compelled honest Frazer to acknowledge that he had been wrong. This made Brougham famous throughout the whole school. I remember it as well as if it had been yesterday, having had him pointed out to me as the fellow who beat the master. It was then that I first saw him.

In due course Brougham passed into the Rector's class. Rarely have pupils been more fortunate in a preceptor than those of Dr. Adam were in enjoying the benefits of his tuition. With a rare fervour, all of them who have left behind them memorials of their own lives and times, write in the most affectionate expressions of their beloved instructor. The story of Dr. Adam's early struggles to acquire the learning which he afterwards turned to such excellent account, transcends, in its pathos of poverty and perseverance, all similar records of Scottish life. By slow degrees his merits became acknowledged, and for many years he enjoyed and adorned the highest scholastic position which his country had to confer. At one time his heart had been stung by calumny and misrepresentation. Before, but especially after the French Revolution, every public man was banned who was suspected of anything approaching democratic doctrines. Adam was far too much absorbed in scholarship and history to pay much heed to current politics; at least he never disclosed his opinions. But in his class-room his soul warmed when the great names of Brutus and the Gracchi were uttered, and their deeds made the subject of comment. He did not care to measure his words or check his fervour when in Livy's page the vice of the Tarquins, the excesses of Appius Claudius, or the tyrannies of

the Patricians were perused. The pupils carried to their homes the news of their master's unwonted enthusiasm. The cry rose in the town that he was teaching levelling doctrines, and parents enjoined their children to treasure and repeat every expression that confirmed their suspicion. The character of the man will be at once gathered from the fact, that though he expressed no stinted indignation at the espionage upon him, it was not the injury and insult to himself, but the danger to the virtue of his scholars that incensed him. He outlived the stigma and annoyance, and when he died his fellow-citizens and thousands of old pupils mourned him as they would a father and a friend. Horner thus records his affection for Dr. Adam :—"I have always felt a most agreeable debt of gratitude to him for the love he gave me in early life for the pursuits which are still my best source of happiness, as well as for the most valuable impressions on all subjects of political opinion." Cockburn says of him, "He had raised himself from the dust to that high position. He was born to teach Latin, some Greek, and all virtue."

In his sixteenth year Brougham was transferred from school to college. Here he was, for the most part, as fortunate in his professors as he had been in his preceptors at school. The age at which he matriculated was above, rather than under, the average at which, in his time, collegiate life was entered upon. But the prelections of the Greek and Latin professors whose lectures he first attended did not require any higher capacity or previous learning than ordinary lads of fifteen might fairly be expected to possess. In the junior Greek class, the tuition commenced with the alphabet. Professor Dalzell,

although he had to fag at the work appropriate to an under usher, was a perfect mine of Grecian lore. He was as enthusiastic in his vocation as he was erudite. No one mourned more than himself the necessity which compelled him to start *ab initio* with his unlearned pupils. It is said that he attributed the low standard of Greek education in the burgh and parish schools of Scotland to the Presbyterian religion of the land. If we can believe Sydney Smith, he was once heard muttering, as he walked along the street, "If it had not been for that confounded Solemn League and Covenant, we should have made as good longs and shorts as they." The next step after "The Humanities," was Finlayson's logic lectures. Finlayson did not teach logic strictly so called, but indulged in a rather superficial psychological survey and analysis of the mental powers, and applied his teachings after the manner of Dr. Watts' "Art of Reasoning." In another class-room—that of the illustrious Robinson, Professor of Natural Philosophy—Brougham developed his forte. He applied himself with extraordinary zeal to every branch of mathematical and physical science. While yet a pupil of Robinson, Brougham made his first contribution to the interesting science of optics, to which so large a portion of the leisure of his old age was devoted. In his researches he became struck with the apparent anomaly that, while nature delights in those close analogies which enable her to preserve simplicity, and even uniformity, in variety, there should be no disposition in the parts of light with regard to inflexion and reflexion, analogous or similar to their different refrangibility. It had been supposed, however, that the parts of which light consists had all the same disposition

to be acted upon by bodies which inflect or reflect them ; but, by a course of very nice experiments and most accurate observation, young Brougham ascertained that the conjecture was erroneous. The paper which contains his conclusions, and the arguments for them, demonstrates that he was already a master of the inductive method. It contains the records of experiment, and repeated experiment, until the last possible shade of doubt was removed. He sent it to the Royal Society of London, in whose "Transactions" it was printed. Much discussion ensued, and the young *savant* immediately found himself engaged in a Latin controversy with some of the most learned men of science on the Continent. Brougham continued to forward contributions to the Royal Society, that most worthy of notice being on "Porisms in the Higher Geometry," which is printed in their "Transactions" for 1798. Ere he was twenty-four he was elected a fellow of that distinguished and exclusive body.

The only other professor of any fame under whom Brougham sat was Dugald Stewart, who, although without the clear shrewdness of Reid, the daring originality of Hume, the florescent elegance of Brown, the fine fancy and charming paradoxicalness of Adam Smith, or the wondrous grasp and colossal erudition of Hamilton, is yet the most generally attractive Scottish writer on the human mind who was ever heard or read. Dugald Stewart must be considered the literary and intellectual father of the Whiggism of the nineteenth century. The majority of the distinguished men who fought its battles, whether with tongue or pen, listened in youth to his lectures. Mackintosh, himself a great writer on psychology and ethics, said, "He breathed the love of virtue into whole

generations of pupils." Cockburn, who was more of a keen man of the world than an abstract thinker, testifies, "To me his lectures were like the opening of the heavens. I felt that I had a soul. His noble views, unfolded in glorious sentences, elevated me into a higher world. I was as much excited and charmed as any man of cultivated taste would be, who, after being ignorant of their existence, was admitted to all the glories of Milton, and Cicero, and Shakespeare."

Such were the rare advantages which Brougham possessed as a learner at school and college. How well he followed out, amid all the engrossments of a life scarcely matched for hard work in the whole annals of human kind, the classical, philosophical, and scientific studies whose germs were imparted by Adams, Dalzell, Robinson, and Stewart, cannot fail to be discovered in the sequel of our narrative.

Ere we commence a new chapter, and find Brougham entering upon his more strictly professional studies, we cannot forbear presenting a naïve pen-and-ink sketch of Brougham, at this period of his life, drawn by his friend Horner. Horner's correspondent was a London gentleman, under whose roof he had recently been residing as a private pupil. The touches of description, which are rather suggested than boldly given, would serve equally well for Brougham in the last year of his revered old age. The letter is dated August 17th, 1797, and the following is all of it that applies to his friend :—

I understand from my friend Mr. (the late Lord) Murray, who is at present in London, that he and Mr. Brougham had the pleasure of meeting with you at the Foundling. They were much gratified by your politeness to them, for which you will permit me to thank you,

as a kindness done to myself. Had you any conversation with Brougham? He is an uncommon genius, *of a composite order*, if you will allow me to use the expression. He unites the greatest ardour for general information in every branch of knowledge, and what is more remarkable, activity in the business, and interest in the pleasures of the world, with all the powers of a mathematical intellect. Did you notice his physiognomy?

CHAPTER III.

LEGAL STUDIES AND LITERARY ACHIEVEMENTS.

A.D. 1797—1807.

Legal Studies—Contemporary History—Brougham visits the Continent—Publishes his First Book—Debating Societies: "The Speculative"—Political Excitement—Brougham declares for Liberalism—Robert Emmet—Brougham's Youthful Contemporaries—Called to the Scottish Bar—Social Tyranny—Poor Professional Prospects—Dundas—Brougham's Studies—The Erudition of Public Men—Sir Walter Scott—The *Edinburgh Review*.

THE Scottish University system resembles, not that of the sister country, but that which prevails in France, Germany, Italy, and other countries of the Continent. In Scotland, as all over Continental lands, the pupil's tie is rather to the University than to the College. Instruction is given in the public class-room of the professor, not in the private apartment of the college tutor. There is no relic of the seclusion and severance from the world which, in England, is the remnant of ante-Reformation habits. In Scotland, the students live in the houses of their parents, or in private lodgings over which no proctor or bedell exercises any control. The distinction between the Scottish and the English University and Collegiate systems, is precisely the distinction between a day-school and a boarding-school. Each system has its own advantages and counterbalancing disadvantages. The English system is more

successful in giving to the student the tone and style of learning and literate associations ; it is detrimental in so far as it weans the susceptible youthful mind from those commonplace and every-day associations of citizenship and business life, from which it is against the general interests of the body politic to dissociate the best educated and the most refined portion of its members. The Scottish system, though more favourable to citizenship, is less favourable to learning. The Scottish student is never abstracted from the ordinary sympathies of the man of the world. In Edinburgh, at least, with which alone we have to do, the students do not even wear a gown or other badge of their studentship, and you can barely distinguish them, by their talk and tone, from other youths resident in the city. These characteristics of their condition are further fostered by the almost total absence of collegiate endowments and foundations for fellowships. What slender funds exist for the furtherance of learning are distributed to eke out the emoluments of professors, and to assist the studies of poor lads while they are undergraduates. The moment the curriculum of study has been achieved, no further tie, save that of grateful recollection, connects the pupil with the quadrangle and class-room. To this there is but one exception, and an important one. The Scottish universities furnish the professional, as well as the liberal or literary, education of Scotchmen. In each there is a faculty of law, of medicine, and of theology. In Scotland there are no Inns of Court for the law student. In Brougham's time, at least, no licence for medical practice could be acquired otherwise than by attendance at the lectures and demonstrations of the Gregories and Monroes

of the medical faculty ; and the only channel to ordination in the Established Church was the reception of the polemical and theological instructions of the Robertsons, Bruntons, and Hunters, who taught Divinity, Church History, and Hebrew to the future clergymen of the land.

Brougham, then, who had chosen the profession of the law, continued for three more years to be a student of the University, studying the civil law, which is the basis of that of Scotland, conveyancing, and the laws of Scotland—the latter under Baron Hume, as distinguished as a jurist as his uncle, David Hume, had been as a philosophical inquirer. After the expiry of his three years' professional studies, Brougham was called to the Bar by the Faculty of Advocates, donned his maiden wig and gown, and commenced to perambulate the oak pavement of the Parliament House, the Westminster Hall of the North, or legal cab-stand where pleaders ply for fares.

The period of Mr. Brougham's college studentship had been almost exactly co-incident with the duration of the first cycle of the great French War. Just about the time of his matriculation, the Duke of York started upon his fruitless expedition to the Low Countries. He was not an advocate of a twelvemonth's standing when the Ministers of France, Spain, Holland, and England, concluded at Amiens the short-lived treaty which took its name from the city at which it was signed. Stirring times were those, during which Mr. Brougham had been engaged in the work of a philosophical and legal student—times so startling by the promulgation of new doctrines, as to uproot men's faith in systems which had been for ages preached by schoolmen and professors—

times which seemed to shake the fabric of all law, and to start the rivets which, ever since the origin of government, had held society together. When Brougham heard Dalzell's inaugural lecture in October, 1793, the world was yet appalled by the recent execution of King Louis. Ere he had listened to the annual farewell which Dugald Stewart took of his students, the Reign of Terror had been put down, Howe had gained his great victory, Buonaparte had fought his first battles in Italy, and the English fever for blood had attained its height. Strange accompaniments these to communion with Socrates in the market-place and Plato in the grove! While Brougham was studying law, Jervis was routing the Spaniards off their own shore, and Nelson was shattering the French fleet in sight of the land where Cæsar and Pompey strove for empire. In the year in which Brougham finally left college, a momentous dispute—that of the sovereignty of the seas—arose, in which England took one side, and all the world the other. This question was an old one, having been as keenly disputed in the seventeenth century by the seventeenth century's best jurisconsults, the English Selden and the Dutch Grotius, as it was in 1801, or, more recently, in 1856, when it was definitively settled at Paris, by England conceding much of what she had maintained for ages. We shall ere long discover that this matter was the first means of prominently introducing Brougham to public notice in England.

Brougham was one of those many Englishmen who took advantage of the lull in hostilities to visit the Continent, every part of which under French occupation had been for years shut up to British travellers. He

journeyed to Holland and Prussia along with Mr. Stuart, afterwards Lord Stuart de Rothsay, whom he probably accompanied in the capacity of tutor.

After his return home, Brougham was engaged in the preparation for the press of his first published work. In 1803 appeared his "Enquiry into the Colonial Policy of European Powers." This work is in two volumes octavo, and may be read with profit this day ; indeed, as long as Britain is a colonial power. In the most masterly and exhaustive manner, the systems of government of all colonising powers, ancient and modern, are reviewed and contrasted. Its literary merits are very great, and by means of it Brougham procured the friendship of many eminent men. One special feature of interest there is in this book. He expresses himself decidedly against slavery and the slave-trade, although not with the same uncompromising demand for their immediate abolition that he shortly after so indignantly and eloquently insisted on.

We must here retrace our steps a few years, that we may not omit, ere we enter with Mr. Brougham the hard business of his energetic life in the world, certain passages of his training which were most influential upon his own career, and are most interesting to those who trace and study it.

To our enumeration of the salient points of difference which distinguished, at the close of the last century, the Scottish and English university systems, we might have added what was, perhaps, the chief peculiarity of the former—the college debating societies in which the students held discussions, with no control or hindrance save what was imposed by their self-elected presidents

and their self-made regulations. While yet a student in the Faculty of Arts, and ere he had completed his eighteenth year, Mr. Brougham had been one of the chief founders of a society of this description, the purpose of which was restricted to the discussion of various branches of science, and to which its members gave the somewhat ambitious title of the "Academy of Science." But the scope of this society was limited, and did not allow of those spirited contests dear to youth, which a larger range of subjects more directly affecting human and political interests lays open. The Speculative Society had been founded in 1764, and papers might be read and oral discussions held on any subjects connected with history, politics, legislation, and general literature. Although, with the sanction of the *Senatus Academicus*, this now historical society had an apartment for its meetings in the college buildings, its membership was not restricted to students of the University. There were, indeed, few students, properly so called, on its roll. Its members for the most part were men whose literary curriculum was over, who had been students in the Faculty of Arts, but were now pursuing their professional studies, or had actually become members of the various learned professions. Brougham and Horner, whose careers, as we stated in a former page, ran so continuously side by side, until the untimely death of the latter, were admitted members of the Speculative on the same night, the 21st of November, 1797. It was not in Brougham's impulsive nature to remain long a silent or obscure member, and, as it happened, he at once found occasion to establish his position, for the more liberal members of the society had need, immediately upon his admission, of

the aid of so redoubtable a recruit. It was a matter of course that the great war of opinion which was at this time raging everywhere in the British isles, should find exponents and combatants on either side within the walls of the chamber in which the Speculative held its meetings.

The French Revolution had given final expression to a body of sentiment and thought which had long been accumulating in every civilised country of Europe. The rebels of Paris were hailed as emancipators of the long shackled souls of men. Wherever ingenuousness, hope, tolerance, and faith in man existed, the crash of 1789 was welcomed as the dawn of the world's millennium. At first the approving shouts of those who rejoiced filled the air, undisturbed by the doubts of those whom timidity made conservative, the misgivings of those whose years made them dubious of the efficacy of change, the croakings and aspersions of those who were wedded by ties of interest to the old state of things that had lasted unscathed so long. But as from one excess to another the Revolution proceeded, as it became apparent that the more cautious democrats began to be appalled at the Titanic proportions of the giant whom they had themselves summoned into existence, as the unloosed demons of Paris proceeded to confiscation of property and abolition of religion, as in their intolerance they became more tyrannical than the feeble and fettered tyranny they had overthrown—especially, as lives began to be taken and the Revolution immersed herself in one bath of blood after another—the majority of British enthusiasts fell away from their first fervour; the sneerers, the doubters, and contemptners elevated their voices, and an almost thorough

reaction took place. This revulsion was fomented by the aggressive form into which the Republican fervour resolved itself. First the tocsin, the tumbril, and the guillotine of Robespierre, then the campaigns designed by Carnot, and conducted by Dumouriez, bereft the Republic of the mass of its English well-wishers. Those who still remained convinced of the rectitude and purity of the principles on which the Revolution was first founded, even though they expressed as loudly as any their detestation of the depths of crime into which it had descended, were stigmatised in the unthinking fury of the mob—always inflamed to madness when first blood, in whatever way, is shed—as haters of their country, disloyal, and Jacobinical. As Lord Cockburn says, “Every political objector was a Jacobin.” All measures of home Reform, the preparations for which had progressed with admirable steadiness during the earlier years of Pitt’s régime, were indefinitely deferred. The nation had only one thought, idea, and hope—to beat the French, to avenge the blood of Frenchmen shed by Robespierre, Danton, and Tallien, to punish the aggressions of the Republic, and add a new cycle of victories to the roll of British fame. In a word, the nation went mad, and as anger with the mass, and terror with the privileged orders, were the ingredient causes or elements of the prevalent mania, it found expression, by an inevitable law of nature, in the most abject servility to those who ruled, and in the most unmitigated political and social cruelty to those who ventured to think for themselves, and preserved their intellects from the influence of the contagion that surged and writhed all around them. The people positively held out their limbs to their rulers to be fettered. Any

restraint would they endure, if Pitt and his officers would but win battles fast enough.

A few there were, the salt of the earth, who remained faithful to their allegiance to liberty and toleration. Worthy of all praise were they. To remain the preachers of liberty, when every one who loved liberty was set down as a lover of rapine and bloodshed, was a merit. Much more commendable was their fidelity to tolerance, the worthier sister of the love of personal liberty. For there is no loyalty from which its devotee is more easily and more frequently tempted than the loyalty to tolerance—the craving for others from whom we differ of the freedom we seek for ourselves. The desire of personal liberty is, in truth, rooted in self-interest; the desire of toleration is rooted in a self-sacrifice of which only the purest souls are capable. These isolated ones, at the time of Brougham's attainment of manhood, regarded the excesses of the Republic with the same reprobation as the learned and unlettered mob; but with this distinction, that the few looked upon them with mournful regret that the hopes of mankind had been again deferred, while the many entertained against the hated actors on the Continent a mere unthinking hatred and blind antipathy. The Friends of the People and their sympathisers in each of the three kingdoms did not cease to petition and agitate for the just political rights of Britons. None of them, except an insignificant minority of fanatics—the antithetic counterparts of the "Anti-Jacobin" mob—preached any disloyal and unconstitutional doctrine. They were simply Reformers, and nothing more; loyal to the Constitution, but eager for the restoration of its violated balance, the excision of

excrescences which disfigured its surface and sucked its life-blood, and its adaptation to modern wants and necessities. But the mob and the ministers would not stop to discuss or examine their tenets. Spies were set to work to fabricate facts, and to bring false charges founded on their own lies. The legal ministers of the Crown were abject and compliant. The law was set in action, and there only remained that final safeguard of jury trial, which is the best of all the heritages which have come to us with our Saxon blood. In the imperial metropolis, which was then far ahead of all other portions of the empire in the real understanding and love of the advantages of freedom, the impanelled juries refused to share in the public guilt, and Thelwall and Tooke were acquitted. In Edinburgh, the year before Brougham joined the Speculative Society, four men of unblemished character, of scholarly accomplishment, and of the most moderate views, were arraigned on the charge of sedition and constructive treason. The Crown counsel distinguished themselves by a ferocity which could have been outvied by nothing but the more savage frenzy of those who professedly sat on the bench to hold the balance of justice between man and man, and between ruler and subject. Juries were compliant and submissive, and Palmer and his fellow-panels were deported for life to the plantations.

The hot blood of the Irish Reformers led them to excesses which found no parallel in the larger isle. In Ireland, it must be recollected, in extenuation of the extremities to which the United Irishmen proceeded, there existed oppression infinitely more positive and unbearable than either in England or Scotland. The much-bewailed Emmet and his associates raised the standard of

rebellion, and invited French assistance. The rebels and their allies were overcome with equal ease, and the leaders of the insurrection expiated their offence with their blood.

The Speculative Society had "corresponded" with a similar association connected with the University of Dublin, of which Emmet was a leading member. When Brougham entered the society, a fierce contest was raging among its members as to whether friendly relations should be kept up with the Hibernian association, which was known to be strongly leavened with democratic tendencies. The Tory members tried their utmost to dissolve a bond, the retention of which, after all, involved not the slightest coincidence of political sentiment in the two societies. They would have carried their point but for the strong reinforcement of strength which the small minority of Liberals received about the time that Brougham became a member. Not only he took up with zeal what had formerly been the weaker side, but among other newly recruited reinforcements were Lord Kinnaird, Lord Henry Petty (afterwards the Marquis of Lansdowne), Jeffrey, Horner, and Cockburn. The latter says—"Brougham, whose constitutional keenness made him scent the future quarry, gave his whole soul to this preparatory scene, and often astonished us with the vigour with which, even to half a dozen lads, he could abandon himself to his subject, and blaze as if he had been declaiming against Cicero in the Forum."

Brougham's mind was made up as to the future politics of his life, nor could he fail very distinctly to foresee what would be the cost of his determination. No step he could have taken was likely more seriously

to affect his professional prospects, than thus openly to have declared himself a "Whig." Popular execration against those suspected of "Whiggism" was only exceeded by the fury evoked by the suspicion of "Jacobinism." Indeed, except with a few capable of narrow discrimination, the terms were synonymous. A great change had come over the popular mind in this respect. But a generation back, "Tory" and "Jacobite" had been the titles indiscriminately bestowed upon the objects of popular ill-will. But as the Royal Family and the Constitution in Church and State had been previously assailed by the devoted worshippers of the Stuarts and the votaries of Divine right, so they were now thought to be endangered by the supposed worshippers of Robespierre—the bugbear and hobgoblin of the day—and the advocates of popular rights. Brougham must have known quite well what risk he ran; for to no members of society more than the members of the legal profession were preferment and distinction—nay, even employment—more certainly rendered inaccessible, if any suspicion were entertained of "dangerous" or "levelling" opinions. It is the wise practice in all the three kingdoms for the officials entrusted by the Crown with the preparation of criminal indictments to entrust their conduct in court (except where they are of such moment as to engage the advocates in the service of the Crown) to young barristers. But to such an extent was the proscription of all who held unpopular opinions carried in Brougham's young days, that junior Whig lawyers were passed over, and thus denied that opportunity of displaying their capacities, which long usage had virtually made a prescriptive right. In civil cases the same ban rested

upon the heads of suspected men ; though from another and a natural cause. Litigants would not commit their causes into the hands of men who, however efficient, stood anything but well with judges, every one of whom imported the strongest and most virulent party predilections into what ought to have been the impartial and uninfluenced administration of the law. Until many years after Mr. Brougham's final departure from the Scottish bar, there were no jury trials in Scotland in civil causes. Even had it been otherwise, suitors and their solicitors would have been equally reluctant to fee Whig counsel ; for the average juryman, although he might not be so lost to all decency and propriety as the inhuman Braxfields and Eskgroves who disgraced the ermine, would have approached the decision of a case in which a "Jacobin" counsel appeared for one of the parties with at least an equal bias against the client of the representative of the unpopular opinions.

Modern English readers can hardly realise the absolute deadness of public opinion, and the tyranny of a few subordinate Crown officials, in Brougham's young days. One Midlothian county family may be said to have ruled all Scotland from the time of Pitt's first premiership down to a period within the memory of men who are still in their prime. Henry Dundas happened to acquire as much forensic business, and to possess as much family and backstairs influence, as to secure the appointment of Lord Advocate (*Anglice*, Attorney General) for Scotland. What it was we cannot say—but certainly not native congeniality of sentiment—that secured him a closeness of intimacy with it, which, perhaps, was shared by only one other man.

and he a Scot—George Rose. Whatever the cause, Dundas and Pitt were the closest of friends. Dundas was one of the few men in whose society that illustrious minister, whose natural liberalism was twisted into the service of one of the most tyrannical of kings, unbent himself, and forgot all but his delightful spontaneity and his astonishing flow of buoyant wit. The friendship cemented over the port wine bottle, in the potation of which Pitt and Dundas were equal adepts, had, among others, this result: Pitt made Dundas absolute satrap and viceroy over Scotland. Whatever Dundas chose to do was right and unalterable. And the first thing Dundas did was to fill every post worthy of being held by a Dundas, or dependant of his house, with a Dundas, or some hanger-on whom some Dundas wished to serve. When Henry Dundas was promoted to a more important post than that of Lord Advocate, as a matter of course he resigned the office into the hands of a Dundas. Henry Dundas the uncle, made way for Robert Dundas the nephew. The latter happened to stand in rotation in the same avuncular relation to Henry Cockburn, to whose "Memorials" we are indebted for many of the facts which we reproduce in this portion of our narrative. No better proof could be given of the systematic ostracism employed against all but partisans of Pitt and the Dundases, than the fact that Cockburn's near relationship to the Lord Advocate did not in the slightest degree avail to counteract the damning effect of his anti-ministerialist opinions. An unbroken hierarchy of Dundases, or nominees of Dundases, or slavish inheritors of their policy, reigned in Scotland, until the Reform Bill revolutionised everythi The Dundases appointed

to every living in the Church, to every important civic office, to every commission in the militia and volunteers, to every legal office, small or great—to everything, in a word, that was good and fat enough to be worth the notice of the reigning potentate and his parasites. Such being the case, it is a fact of lasting honour and glory that almost all the flower of the youth of Scotland, in whose breasts conscious capacity enkindled the honourable flame of ambition, chose the better part, disdained the pelf and prominence which apostacy would have easily purchased, and remained leal and true to their first love, until the reward came to the few that had lived through the struggle—reward bestowed by the Ministry in which Brougham was Lord Chancellor, Jeffrey Lord Advocate, and Cockburn the Scottish Solicitor-General. Where the nephew of the nephew of King Dundas fared so ill, it is not to be wondered at that Brougham fared no better, and was equally briefless with his friend.

There was not much legal business for Brougham, but he was not the man to be idle. The amusement of his leisure was to annoy, and to defy as far as forensic restraint permitted, the domineering old judges of the Court of Session. Of all the then judges, the greatest original was Lord Eskgrove. His prosiness, his testiness, his uncouth manner, his extraordinary way of pronouncing English, and his abundant use of the broadest national vernacular, furnished an endless fund of amusement to the young counsellors, whose want of work left them plenty of time to laugh. Brougham was Eskgrove's especial *bête noir*. He used to say of him, "I declare that man Broom, or Brough-am, is the torment of my life."

But Brougham employed his spare time to better

purpose than the baiting of antiquated judges. We have already seen how, soon after his entrance upon the profession, he had produced a work of considerable length, which bears the mark of great industry and mature thought. That he must, in the few years that elapsed between his calls to the Scottish and English bars, have studied all manner of subjects in science, philosophy, politics, and history, is simply indisputable. By no other than this supposition can we account for the almost universal knowledge—if not erudition—which he displayed in after life. It is a constant wonder to those who do not inquire very closely, how it is that men like Carteret, Brougham, and Gladstone, who comparatively early in life enter upon public business, and are so engrossed by its never remitted calls, manage to accumulate such stores of knowledge as they are known to possess. The explanation is easy if but one important fact be kept in mind. Once any theme is acquired thoroughly, it does not require much expenditure of time to keep it in order and repair, by an occasional revisal and restoration of particulars which the memory of the most tenacious will let slip. The instances are very few indeed in which a man, after a comparatively early period of life, approaches for the first time an entirely new study and sets himself to the acquisition of its rudiments. Where such cases do occur, it will be generally found that the new foray into the unknown is made, not so much with the purpose of acquiring an entirely new domain of knowledge, as to round off some positive acquisition already made, but felt to be incomplete until some neighbouring field is added. Thus the Hebraist may, when an old man, undertake the study of some

sister Semitic tongue; or the student of Anglo-Saxon learn, for the sake of comparison and fuller etymological accuracy, some ancient variety of Gothic or one of the modern Scandinavian languages. But the fact remains, modified only by the qualification just named, that men of learning who distinguish themselves in the conduct of affairs in any arduous department of public life, have acquired the bulk of their knowledge—all the foundation, all but minor details and small additions—in early days, when no more potent rival contested the possession of their attention. And it is astonishing how small the deduction of time is that must be made from business in after years, to keep entire the fabric which has been built up in early life, or even to add to it new augmentations, and incorporate corrections made as the result of the further studies of others, since the science and its student parted constant company. Only thus is it that we can explain—and the explanation will be most readily accepted as sufficient by those who are most learned themselves—how it is that men so much in society as Lord Macaulay, or men so constantly engrossed by every species of public affairs as Lord Brougham, have their lore as thoroughly at ready command as a schoolboy has the theme which he has just got by rote.

Although possessing no direct positive information in the matter, we feel ourselves blameless of unwarranted conjecture when we assert that between 1801 and 1807, his apparently unemployed years, Brougham was very hard at work in the philosophical study of politics and law, and the various branches of history and science which his pen in after life adorned.

A certain and far from inconsiderable advantage accrued to the young band of Whig outlaws from the social penalties which attended their conscientiousness. They were hardened against the world and its opinion. Having counted the cost, taken their stand, and boldly asserted their opinions, they increased their strength, and as a body confirmed their coherence by being drawn more closely to each other. All considerations of self being voluntarily removed, there was the less chance in their case of that shipwreck of honesty which is the great and constant peril of their profession. The natural tenacity which Providence has wisely ordained shall be the most firmly entertained by men who are the most tempted by self-interest to compliance, came opportunely to the aid of their conscientiousness, and turned a difficult effort into an easy habit. They had their reward. The ultimate professional success and accession of popularity which made up for years of waiting struggle, was comparatively an unimportant matter, nor is it that to which we allude. Their real reward was a reward of the only kind worth rejoicing at; it was contained within themselves. Their own souls earned it, and their own souls enjoyed it. The friction of the world hardened them into stoics—stoics not of needless asceticism or hypocritical affectation. They did not choose their struggle, but they chose the course which not they, but external circumstance, entailed and enforced—struggle with its deprivations, and struggle with its incomparable joys and glories.

If they were all the better of the choice they freely and fearlessly and unflinchingly made, so also was the world. We are all the better off to-day, that Horner and Jeffrey and Brougham would not in their day stoop to

sell their souls for a mess of pottage ; that they preferred the approval of their own consciences to the livery and the dole of the evanescent and really impotent Cæsar of the hour. They helped on the world, if they did not help on themselves ; and in all respects, save those which are paltry and apparent, and which pass away, it is more glorious and honourable, and in every sense better and more sufficing, to help on the world—that is, other selves—than to help on one's own self. Broad humanity is more than the Ego. And the only man who adorns existence is he who learns and practises that lesson of self-sacrifice which is the prime condition of worthiness to live and to work.

One result of this pressure of circumstance upon the individualities of these men, was to condense them into a school, and to make them act in concert. In the houses of certain of the last survivors of this estimable band of brethren in opinion and faith, he who pens these words has seen engravings of the portraits of all of them who sat to painters, grouped together, and hanging on a dining-room wall. This fact betokens and typifies the essential unity of purpose and plan of these few heralds of liberty in Edinburgh, when Edinburgh was in the depths of its moral torpor. The group of portraits contains the effigy of every Scotchman who came to man's estate about the beginning of this century, who has distinguished himself during its decades—save only one, Sir Walter Scott. And who would blame Sir Walter for his Toryism ? This book is written in no partisan spirit. Sir Walter was as fond of accumulation as any other canny Scot, with or without genius. There was strongly developed in him the acquisitiveness of acres. And why

did he thirst for acres? Not that he might fatten beeves for the market, and contemplate waving masses of corn, in whose bearded or unbearded seeds lay enwrapped the gold that was to be paid in on rent-day. No, acres were to him but a sign—a sign of the foundation of a house, with those territorial adjuncts which make the members of a house notable and looked up to. Neither was his Toryism in any sense sordid. It was ideal. Scott was a Tory, not because the Duke, the head of his house, who procured him a sheriffdom and a Court of Session clerkship, was a Tory, but because he loved the good old times; and Toryism drew his imagination back to them, whereas Whiggism would have centred his gaze upon that future of which he lived in constant doubt and fear. Without Scott's Toryism, he would not have re-clothed every Scottish scene of an old battle, every Scottish site of an old abbey, every sward where an old knight bit the dust, with renovated tints of glory; therefore we regret not that he stands out as a memorable and salient exception to the otherwise exceptionless statement we have made.

The young Edinburgh Whigs became a school; they resolved not to sit down listlessly under the shadow of their fate, but to attack with energy the crushing odds that were arrayed against them. To attain this end, it was necessary to have a weapon of attack, or, in the slang of "movements," "an organ." They started the *Edinburgh Review*, and that there might be no mistake about the nature of their product, they ordered Constable to clothe it in the colours of their affection—the Whig buff and blue. The story of the origin of the *Edinburgh Review* has been often told, and does not

demand from us here any amplified recital. Sydney Smith's "sixth story in Buccleuch Place," and the proposal as motto, of "Tenui Musam meditamur avena"—"we cultivate literature on a little oatmeal"—were meant to be jocular, and very jocular they are. But as he did not mean to propound the statements as serious, we need not debate their credibility. The facts are simply these. About the end of 1801, Sydney Smith, Jeffrey, and Horner concocted the project, and set about reducing it to practice. The politics were to be Whig; in all else the judgment of the reviewers was to be perfectly unbiassed. The public were assured of the latter determination by the very apt motto selected for the cover—"Tros, Tyriusve, nullo discrimine agetur." On the 10th of October, 1802, the *Review* was fairly launched. A publisher of the most admirable fitness had been found in Thomas Constable, possibly the most liberal and enterprising man who ever published in Great Britain. The plan was business-like: every man (after the great success of the first number warranted the expenditure) who contributed, whatever his station or private means, was to be paid at a fixed tariff per sheet, the same rate of payment for all. Brougham had not been let into the secret of the project until it was nearly published to the world. His friends could not trust his discretion, they thought him "rather erratic." Nevertheless, they counted upon his assistance, and he promised to contribute to the first number. At the last moment, however, from some unaccountable caprice, he withdrew, and nothing from his pen appeared until the *Review* was nearly a twelvemonth old. "After number three," Jeffrey says, "he was admitted, and did more for us than anybody." From 1803 till

1828 he was the most frequent and copious contributor. He continued to be a constant and regular contributor, writing upon all subjects (for the coadjutors do not seem to have allocated out departments in conformity with the system of *apportioned* division of labour); in one case he went very near rivalling the audacity which Sydney Smith attributed to Lord John Russell. An article in one of the numbers for 1807 on the operation of lithotomy, was written by our versatile genius !

So the years went on after the establishment of the *Review*. Its commercial success was immediate, and it soon became recognised as a power. It brought fame and honour to its contributors; and in its long duration it has enlisted the best pens in Britain. Not the least valuable contributions to English literature in our century are the collected articles from the *Edinburgh Review* of Jeffrey, Sydney Smith, Brougham, Macaulay, Sir James Stephen, and Henry Rogers. Brougham made his connection with the *Edinburgh Review* serviceable in causing his recognition by that party in the State who, shortly after he began to write in what they accepted as their organ, gladly availed themselves of his more public services, and effected his introduction into active political life.

CHAPTER IV.

EARLY LIFE IN LONDON.

A.D. 1807—1810.

Removes to London—Called to the English Bar—Lord Jeffrey—Increase of Brougham's Forensic Business—His Political Exertions—Lord Holland—Sent on a Mission to Lisbon—The Slave Trade—Wilberforce.

WE have now reached, or are closely approaching, an epoch in Brougham's life of very considerable importance, the period when he passed out of the school, or training-ground of Edinburgh, and entered upon his great life work. Hitherto he had been under "tutors and governors," training himself for the business of his life, rehearsing the part he was afterwards to enact. We believe that there is a deep, and real, and various meaning in the fact which the last metaphor employed in the previous sentence indicates. In another form the same truth has expression given to it, in the statement that a man's life is, in almost all cases, *determined* irretrievably at a very early period of early manhood. The man acting in the world is simply reproducing the lessons which were taught to, or acquired by, the man learning in the school. Brougham plying his pen for the *Morning Chronicle*, Brougham assisting vigorously in the out-of-doors agitation for the abolition of the Slave Trade, which Wilberforce and the Thorntons conducted in Parliament, Brougham

working night and day organising the tactics of the Whigs at election times—is a subject very different from Brougham of the Speculative, the Scottish Law Courts, and the *Edinburgh Review*. But the former Brougham made the latter; the latter Brougham was the child of the former. In its future pages our biography will contain an entirely new kind of interest, but it will also lack an interest which we have lingered on in previous chapters. We shall see Brougham now influencing the policy of the Senate, and labouring effectually for the welfare of the nation; but it will be no longer in our power, save at occasional intervals, to brighten our narrative with anything answering to those illustrations of his personal nature and inner life which we have culled from the published memoirs of his early Scottish friends and contemporaries. In the case of few men, however, compared with Brougham, need the absence of this most interesting element of biographies be less regretted, for Brougham “threw his soul into his work.” He was never a tactician, a party man, a hypocrite, a reserved concealer of his real mind. From the first he was a personality in the land, for he breathed his personality—himself—into everything he said or did. We shall, therefore, even though we reject all gossiping anecdotes of his private life for which we have not the most authentic testimony, not lose sight of the private man in our record of his public deeds.

Various statements have been made as to the motives and circumstances which induced Brougham to leave the provincial Edinburgh for the metropolitan London. The tradition of the Scottish capital is to this effect:—Brougham, while pleading before one of the “Lords Ordi-

nary" of the Court of Session, lost his temper, and so expressed himself as to call forth a rebuke from the judge, and a demand for an apology. Brougham, still in his heat, tore off his wig and gown, flung them among the astonished clerks of the court, and said "There, my lord, is my only apology." Immediately after, he jumped on to the roof of the London coach, and took the necessary steps to qualify himself for the English bar. This story is one of the most improbable ever uttered, and we entirely disbelieve it. Neither Cockburn, in his "Personal Memorials" or in his "Life of Jeffrey," nor Horner in his "Remains," gives a hint of the occurrence, and the presumption that they would so have done had the incident ever occurred, amounts to a virtual negation of the sensational anecdote.

Others say that Brougham first entertained the purpose of migration when he appeared before the House of Lords in 1806, in the Dukedom of Roxburgh succession case. That he cannot then have *first* entertained the idea we shall presently incontestably prove; although it is rendered possible that this visit to England may have been the occasion of his *final* resolution, by the fact that it was very shortly after that he did actually change the scene of his career. Obvious considerations easily account for Brougham's determination. His towering and ambitious spirit found no fit vent for its energies in the peculiarly hum-drum business of the Scottish courts; in Scotland he was excluded from advancement by his politics; in England it was quite different—some of the foremost and most prosperous counsel, such as Erskine, Romilly, and Mackintosh, were Whigs. Lastly, Brougham himself was an Englishman by paternity, and on the

northern circuit, which he selected from the first, his ancient lineage, family connections, and territorial standing could not fail greatly to promote his professional changes.

Some years before his actual migration, Brougham had resolved to go to the English bar, and had communicated his resolution to his friends. This is proved beyond a doubt by the following extract from a letter written by Jeffrey to his correspondent, Morehead, in 1802:—

I foresee the likelihood of our being all scattered before another year shall be over, and of course the impossibility of our going on upon the footing on which we have begun. Indeed, few things have given me more vexation of late than the prospect of the dissolution of that very pleasant and animated society in which I have spent so much of my time for the last four years; and I am really inclined to be very sad when I look forward to that time when I shall be deserted by all the friends and companions who possessed much of my confidence and esteem. You are translated into England already; Horner goes to the English bar in a year; Sydney Smith leaves this country for ever about the same time; Hamilton spends his life abroad as soon as his father's death sets him at liberty; Brougham will most probably push into public life even before a similar event gives him a favourable opportunity. . . . It is not easy to form new intimacies, and I know enough of the people among whom I must look for them, to be positive that they will never be worthy of their predecessors. Comfort me then, my dear Bobby, in this real affliction.

Thus early do we see the intention had been entertained by Brougham. In 1807 he carried it into effect, and in this or the following year (for our authorities differ), he was called to the Bar by the Honourable Society of Lincoln's Inn. Of the short period that intervened between Brougham's settling in London and his first entering Parliament, not very much needs to be said. The few particulars worthy of reproduction relate

to his anonymous political efforts, his share in public agitation, and his progress at the Bar. Ere we group together a few facts under these heads, we must not forget to record a very bold application he made to Constable, the publisher, about the time of his settling in London. It would seem that he was not very well equipped with money for his expenses during his early residence. He wrote to Constable for £1,000, telling him he would quickly clear off the loan by his contributions to the *Review*. Constable sent him the money, and Brougham repaid the debt in an incredibly short space of time. In one number of the *Review*, ere the balance was quite settled, he wrote every article with the exception of two.

Brougham, from the first, had a fair share of practice on his circuit, but was more moderately employed for a considerable time in London, more especially in the higher courts. We do not find his name, until 1811, in the reported cases of the Queen's Bench. He was, however, frequently employed in the much more lucrative cases tried before the Privy Council, the House of Lords, and Committees of both Houses. Very early he became the especial and most frequent defender of persons tried for political offences, succeeding in this field to Erskine's position. At the trial of the brothers Hunt, we find that he uttered this somewhat strongly-worded, but substantially correct statement about freedom of speech and writing: "Even uproar is wholesome in England, while a whisper is fatal in France." Brougham, although well employed in cases of the above characters, was too much engaged by a variety of other matters to find it possible to give himself to the daily routine of business in West-

minster Hall. Not until about 1819 do we find his name appear with anything like regularity.

The following citation from a letter written by Horner to his father in 1812, is not quite consistent with our last statement; but the representation was possibly unconsciously exaggerated by the partiality of a friend :—

Brougham's success at the Bar is prodigious; indeed, much more rapid and extensive than any barrister since Erskine's starting. I have been present at several arguments of his in Banc, of which I should not, to say the truth, make a very high report; that is, in comparison of his powers and reputation. Great reach and compass of mind he must ever display; and he shows much industry—that is, in collecting information, but his arguments are not in the best style of legal reasoning. Precision and clearness in the details, symmetry in the putting of them together, an air of finish and unity in the whole, are the merits of that style; and there is not one of these qualities in which he is not very defective. But his desultory reasoning has much force in some parts, and much ingenuity in others; and he always proves himself to have powers for another sort of speaking, and a higher sort.

Brougham had brought from Edinburgh a distinguished reputation as a political writer and an ardent and uncompromising Whig, and we believe that this availed, at an early period of his residence in London, to procure him an engagement from Perry, the editor of the old-established and estimable Whig organ, the *Morning Chronicle*. He also did much service for his party as a pamphleteer, and in similar capacities. In fact, almost immediately upon his arrival in London, he had established himself as an ally to the Parliamentary heads of his party; and they entertained of him the very highest opinion. At the general election of 1807, the Whig prospects were particularly gloomy. In Lord Holland's

"Autobiographical Remains," we find the following passage, which is the earliest reference to Brougham after his settlement in London which we have succeeded in discovering :—

We raised a subscription the very day of the resolution for the management of the press and the distribution of handbills. Meanwhile the elections went against us. The management of our press fell into the hands of Mr. Brougham. With that active and able man I had become acquainted through Mr. Allen, in 1805. At the formation of Lord Grenville's ministry, he had written at my suggestion a pamphlet called "The State of the Nation." He subsequently accompanied Lord Rosslyn and Lord St. Vincent to Lisbon. His early connection with the Abolitionists had familiarised him with the means of circulating political papers (a vocation certainly less lofty than regular *Nisi Prius* practice), and given him some weight with those best qualified to co-operate in such an undertaking. His extensive knowledge and extraordinary readiness, his assiduity and habits of composition enabled him to collect some articles and to furnish a prodigious number himself. With partial and scanty assistance from Mr. Allen, myself, and two or three more, he, in the course of ten days, filled every bookseller's shop with pamphlets, most London papers and all the country ones with paragraphs, and supplied a large portion of the boroughs throughout the kingdom with handbills adapted to the local interests of the candidates, and all tending to enforce the principles, vindicate the conduct, elucidate the measures, and expel the adversaries of the Whigs.

A reference by Lord Holland to Brougham's mission to Lisbon requires explanation. The envoys were sent to negotiate a treaty with Portugal, binding her to co-operate with us in the abolition of the African Slave Trade, which the Grenville Administration had taken up as a Government question. Brougham had already expressed himself strongly against the iniquity in the *Edinburgh Review*, and less vehemently in his work on colonial policy. His first public appearances in England

were on abolitionist platforms, and although he was late in the field, he did much service in strengthening the hands of the few abolitionists in Parliament. Ere he himself obtained a seat, the African Slave Trade had been abolished, though not the traffic in human chattels from any one of our West Indian islands to another. As the Act of Abolition was egregiously evaded, Brougham found plentiful occasion in Parliament to expose the relics of the savage traffic ; but his anti-slave trade work in St. Stephen's was but the completion of and supplement to the much more important labours for ever associated with the names of Wilberforce and Clarkson.

The first objections to the Slave Trade had been raised long ere the Declaration of American Independence, by Granville Sharp, a benevolent Quaker, who wrote a pamphlet on the subject, and a wider diffusion had been given to the principles of justice and Christianity on the subject by Cowper, in the well-known lines, equally beautiful and wrothful, in the "Task," which appeared in 1781. Not long afterwards the Abolition Society was formed, Granville Sharp being president, and Clarkson "agent." Pitt held strong opinions against the heinous practice ; but, alas ! his reforming views in this direction, as in many others, were indefinitely postponed by the all-engrossing French Revolution, and the hostilities into which, against his better nature, he suffered himself to be dragged. His early friend, Wilberforce, was more staunch to his convictions, and with unmatched resoluteness carried on the struggle for twenty years. Even his earnestness and assiduity could not conquer circumstances, and he bewailed the fact that, when victory was almost imminent, the fight was prolonged

for many years, partly on account of the French Revolution, and partly because of the excesses of the revolted negroes in St. Domingo. Ultimately, Wilberforce, Tory and enthusiastic Pittite though he was, placed his main reliance on Fox. His death seemed to dash the philanthropist's hopes to the ground, but Lord Grenville took up the question with zeal, and on the Ministry of "All the Talents" being formed, Brougham and his coadjutors were sent on the mission to Portugal to which we have referred. The envoys on their return held out good hopes that Portugal, which, with the United States and England, chiefly carried on the traffic, would concede. On the 2nd of January, 1807, Lord Grenville brought in his Abolition Bill in the Upper House. Lord Eldon wished to know whether it was the African and West India Trade (from island to island) that was proposed to be abolished, or the former alone. The immediate answer was, "The former alone." Eldon replied that the same principle would be soon applied to the case of the West Indies. Between the first and second readings counsel were heard at the bar of the House, representing the "vested interests" of the West India merchants (*i.e.*, slave dealers) and planters, and the merchants, corporation, and dock trustees of Liverpool. There was much opposition to the measure, but rather to the time chosen than to the abolition itself. Lord Sidmouth, especially, pressed for delay. He suggested, as Burke had done long before him, that churches should first be built, and the institution of marriage introduced among our slaves. But the second reading was carried by a large majority, and the third was unopposed. On the 24th of February, Lord Howick moved the final reading

of the Bill in the House of Commons. It was carried by the enormous majority of 283 to 16. Wilberforce received the honour of three hearty rounds of cheering. His old friends and fellow-labourers crowded round him, and shook him heartily by the hand. The philanthropist, at once eager to raise a new quarry of inhumanity, said to Thornton, "Well, Henry, what shall we abolish next?" "The lottery, I think," his friend replied.

CHAPTER V.

BROUGHAM ENTERS PARLIAMENT.

A.D. 1810—1812.

The Orders in Council—First Seat in Parliament—Maiden Speech—
The Slave Trade—The Currency—Contest with Canning for the
Representation of Liverpool.

IN a former chapter we furnished a somewhat brief explanation of the revival of the old dispute about “*mare liberum*” and “*mare clausum*,” entered into between the Armed Neutrality of the Northern Powers, acting at the instigation of Napoleon, and England, acting in defence of her sovereignty of the seas. Since that period the power of Napoleon had vastly increased, and he hurled a still more terrible weapon of attack at England, after the bloody battles of Jena, Auerstadt, and Friezland had coerced Prussia and Russia into submission to his behests. From Berlin, after the Treaty of Tilsit, he issued the famous decree which drew a cordon of exclusion around the British Isles, and sealed up the whole stretch of the Continental shores, from the Baltic to the Adriatic, against our commerce. Everything produced or manufactured in England, or in any of her colonies, was declared contraband, the property of British subjects was adjudged lawful prize, and all their letters were ordered to be detained and opened. This was done in retaliation for the efficient blockade which the Fox and Grenville Adminia-

tration kept up around the shores of France—the first time the whole of France had been blockaded since the glorious days of Chatham and the Seven Years' War. This "Continental System" of Napoleon's was most suicidal; it was opposed to nature, to the necessities of commerce, and to the daily wants of the luxurious life of civilised people. If left to itself, the system would have broken down, as was, indeed, indicated by the fact that Napoleon was soon compelled to sell exceptional "licences" to traders, who were exempted from the prohibition against the importation of English goods. But the English Government, in their madness, remaining blind to the consideration that the "Continental System" did as much harm to France and the Continent as to England, resolved on a measure of reprisal. On the 7th of January, 1807, the well-known Orders in Council were issued. Their provisions were these:—All vessels, of whatever nation, sailing for France, unless they had previously touched at English ports, were declared lawful prize, and privateers, as well as vessels of war, were permitted to exercise "the right of search." Even vessels that were freighted with drugs and medicaments for wounded soldiers lying in foreign hospitals, were placed in the same category as any others. The madness of Napoleon was equalled only by the madness of the English nation. George Rose is reported to have said, while replying to a deputation from Birmingham which had come to entreat the Government to put a stop to the suicidal contest, that England and France occupied the same position as two men holding their heads in a bucket of water, trying which could longest endure the pain of suffocation. We, too, had to depart from the

strict rigour of our plan by the granting of "licences." But, as Brougham very correctly pointed out, this was a peculiarly dangerous practice; the licences were a matter of favour, or purchase, and the state of things which permitted their existence could not fail largely to increase the illegal power of the Crown and its Ministers. Immediately after the issue of the Orders in Council, alarm, distress, and discontent prevailed in the country. We incensed America against us by our assertion of the right to overhaul and capture her merchant-vessels, and destroyed the large indirect trade we had been doing with France in American bottoms. The merchants of London, Manchester, and Liverpool were especial sufferers, and deputed Mr. Brougham, in 1808, to represent them at the bar of the House of Lords. The arguments of the defenders of the Orders were thus summarised:—"We are assailed in our most vital interests. To France and Germany it may be inconvenient to be deprived of our colonial produce and our home manufactures, but to us it is destruction. They can subsist upon their fields, dispense with Oriental condiments, and content themselves with coarse substitutes for the finer fabrics of our looms. But with our trade our agriculture droops, unable to feed the millions that are now estranged from its labours. The United States already possesses half the number of our merchant ships, and will fetch and carry for the world in neutral bottoms." Brougham, as the advocate of English traders, and Baring, as their representative in the House of Commons, rejoined with arguments such as these:—"We are not justified by this assault on our interests to strike at States that may profit by our distress. The laws of trade will prove too

strong for the decrees of despotism. And as to America, our vessels may carry thither the growth of every clime and the work of our own hands, to be re-imported into markets guarded against us. Forbid that traffic, and we may make that very Power our most formidable foe."

Knowledge of the true principles of trade and political economy, now gradually becoming the common possession of the multitude, was in those days so far removed from the minds of even the most intelligent men in the country, that these unanswerable arguments did not prevail, and the Orders remained unrepealed. Brougham's advocacy was unsuccessful, but it brought him much fame and not a little forensic business.

The following year, 1809, was one crowded with events, with none of which do we find Brougham's name in any way associated. It was the year of the commencement of Wellesley's career in the Peninsula, of Corunna and Moore's mournful fate, of the lamentable Walcheren expedition, of Buonaparte's second entry into Vienna, of Dundonald's deed of daring in the Basque Roads, and Collingwood's wholesale destruction of French vessels in the Bay of Rosas. At home it contained the scandal about the Duke of York and Mrs. Clarke, the revival by Burdett of the agitation for reform, Canning's duel with Castlereagh, the death of the Premier, the Duke of Portland, the resignation of his colleagues, and the formation of the administration of Perceval and Wellesley.

In the year following, 1810, the old Marquis of Lansdowne, best known to fame as the host of Bentham at Bowood, died. His eldest son was Lord Henry Petty, Brougham's old fellow-student and fellow debater at the Speculative, who had entered political life nine years

before, and had already filled the important office of Chancellor of the Exchequer. Lord Henry had sat for Camelford, a borough "under the influence" of the Earl of Darlington. The Whigs were already looking for a seat for Brougham, and we may infer that it was through the influence of his old friend that Lord Darlington was induced to return him for his borough. He did so, and Mr. Brougham entered Parliament as the representative of "the free and independent electors" of Camelford. We may here remark the curious fact that Brougham never sat—although we shall hereafter see him making attempts upon larger constituencies—for any other than a close borough, until the year of the formation of the Reform Administration. Lord Darlington, who is better known by his subsequent title of Marquis of Cleveland, remained Brougham's patron and seat-provider for twenty years, except four (from 1812 to 1816) in which the latter had no seat in Parliament. Perhaps this accounts for Brougham's tenderness to close boroughs, otherwise inexplicable, in his first draft of a Reform Bill in 1830. In that scheme, which he never had the opportunity of bringing forward, but which Mr. Roebuck summarises in his "*History of the Whig Administration of 1830*," Brougham proposed to retain every borough which returned members, but to deprive those of small population of one of their two representatives.

Brougham's reputation as an *Edinburgh Reviewer* had preceded him to London, and it prepared for him a warm reception at Holland House, and other recruiting depôts of the Whig party, and with the small band of philanthropic reformers, of whom Wilberforce, Clarkson, Zachary Macaulay, and the Thorntons were the centres.

Equally his forensic and literary reputation gave the young member a certain consideration in Parliament, but established a rather exigent test for his first oratorical appearances. His maiden speech, delivered on the 5th of March, 1810, rather disappointed those who thought he would take the House by storm. The subject of debate was one of constitutional privilege. The Government had not been able to prevent a parliamentary inquiry into the disastrous Walcheren expedition of the preceding year. So afraid were they, however, of what must be divulged, that the investigation was, at their instance, carried on with closed doors. But there arose a subsequent discussion, which sprung out of the secret inquiry. The Earl of Chatham was a member of the Cabinet as well as the commander of the military force in the Scheldt. It appeared that he had laid, in the former capacity, a certain statement before the king, without the privy of his brother Ministers, and had requested the king to keep his communication a secret. Mr. Whitbread very properly moved that the House should censure the extremely unconstitutional and dangerous irregularity. Brougham rose to support his friend, and succeeded in bringing Ministers, in their own protection, to agree to Whitbread's condemnatory motion. Brougham's speech, says one whose opinion is valuable, "was the speech which might have been expected from a constitutional lawyer." "It was not his wish," Brougham commenced by saying, "that the son of Chatham and the brother of Pitt should not have justice done him." Quiet argumentation was the general character of his address. The irregularity, he said, was no direct infringement of the common law, nor of any statute or charter; but it was

obvious that such a practice must altogether destroy that united ministerial responsibility which was the essential guarantee of constitutional liberty. Mr. Adam, in the course of the debate, characterised his young fellow-countryman's performance as "a speech which fulfilled the expectations of talent so truly formed of him, and which it gave him, for many reasons, most particular pleasure to hear."

The theme was extremely well adapted as the first on which Brougham should address the House of Commons. It affected settled doctrines and established interests. The field it covered—that of constitutional politics—was the very region of Brougham's especial study in recent years; the whole character of his mind had already determined itself as that of the constitutional lawyer. He had firmly grasped, after careful reading and considerable reflection, a clearly-defined group of prime constitutional principles. From this centre radiated, from this his first parliamentary appearance down to his last, "all the light which, from time to time, he threw out upon questions of public policy." He was ever on the alert against unconstitutional encroachments, perfectly impartial and rigorously just, from whatever quarter they might proceed. No small portion of his public policy was in strict conformity with this general characteristic, the keeping perfectly clear all the avenues by which the subject-petitioner may approach his ruler—whether the sovereign or the Parliament.

Brougham's second speech was in behalf of Burdett, who had been ordered to the Tower by the House of Commons, and incarcerated, after standing a siege in his Piccadilly mansion, for the heinous offence of describing

his fellow-legislators as "a part of our fellow-subjects collected together by means which it is not necessary to describe."

The Slave Trade had been abolished, as we have already seen ; but many English subjects continued surreptitiously to engage in the abominable traffic. Brougham moved an address to the Crown, to take more effectual steps to put down the trade. This year he was unsuccessful ; but in the following session he succeeded in getting an Act passed, which rendered any one who was found guilty of engaging in the African Slave Trade liable to banishment for fourteen years, or imprisonment for a period not less than three, nor more than five years. This law, which is still part of the criminal law of England, is memorable as being the first which Brougham engrafted upon our Statute-book. Upon Parliamentary Reform, Catholic Emancipation, and the Regency Question, all the leading subjects of discussion in 1810, we do not find that Brougham took any part.

A large portion of the session of 1811 was devoted to debates on the currency. Here Horner and Brougham fought side by side. The subject was that of all others which Horner knew best ; and Brougham showed his wonderful versatility by displaying perfect competency to deal with this most perplexing of intricate questions. The Whigs put forward their two youthful supporters, and Lord King, a man of extraordinary practical common sense, to oppose the continued use of an inconvertible paper currency, demanding that we should return to the sound and solid system of metallic payments. They were eager for this, as opponents of the war, as well as by virtue of their abhorrence of gambling finance. The paper cur-

rency had been a war expedient, and its continuance was defended on the ground of the maintenance of hostilities. The Whigs wished for peace, and were not loth to use this weapon against the maintenance of armies which drew away from our own use such enormous quantities of coined money. In the same year Brougham spoke against flogging in the army, and (at the bar) as the counsel of the brothers Hunt of the *Examiner*, who had published remarks considered libellous against the Royal "fat Adonis of forty." Already he was recognised as the defender in all cases of the political victims of the time. He gained his verdict, against the charge of Lord Ellenborough. Next year, the Hunts were again tried on a similar charge, and Brougham again defended them, but unsuccessfully. The very plain and uncompromising manner in which he designated the Prince Regent, who was the real prosecutor of the satirists who had offended his egregious vanity, is generally believed to have been the first and abiding cause of the peculiarly bitter hatred with which George IV. regarded Brougham to his dying day.

In 1812 Brougham was a constant speaker in Parliament; one masterly effort was successful enough to compel the Government to repeal the Orders in Council so far as America was concerned. Thus he completed, in his place in the Commons, the hard work he had commenced before the House of Lords four years before. Very soon after this victory, Lord Liverpool, the Premier, dissolved Parliament, and "appealed to the country." On many occasions, as we have previously stated, Brougham tried to escape from the representation of close boroughs. He now conceived and executed the extremely daring design

of contesting with no less an antagonist than Canning his seat for Liverpool. To this Brougham was the more induced, that he believed he would get warm support from his mercantile clients, for whom he had worked so hard, and on whose behalf he had just extorted the abrogation of the most obnoxious part of the Orders in Council.

Brougham had already marked out Canning, the best speaker and debater in Parliament, as the opponent he preferred above all others. Canning had readily responded to the challenge, recognising in Brougham "a foeman worthy of his steel." "Canning alone," says Charles Knight, "during the time that Brougham was in the House of Commons, could face him deliberately as an antagonist; and the difference of their styles of oratory rendered the occasions in which they were matched against each other, among the most remarkable displays of gladiatorship known in the history of Parliament."

Brougham had very short time to prepare for his contest. On the 5th of October he arrived at Liverpool, and became the guest of Mr. Roscoe. He was followed, two days after, by Canning, who was received in the house of Mr. Gladstone, the father of the illustrious disciple of Peel. On the morning of the 8th, the four candidates who sought the suffrages of the electors appeared upon the hustings. Brougham disavowed all personal enmity to his opponents, appealed to their good nature, promised that he would conduct his canvass with all fairness and good humour, and hoped that every elector would judge the candidates by their merits alone. General Gascoyne, who stood along with Canning, ap-

pealed to the fact that "the Gascoynes had represented the borough during a period of one hundred and fifty years." "High time," ejaculated Brougham, "there should be a change." After several days' polling, Canning stood first, and Gascoyne second. Brougham reminded the electors that those who had polled the largest number of votes had ever supported the party who had so deeply injured their trade. He gave them one night to think over his final appeal, but next day there was no alteration in the relative numbers of the votes polled. Brougham at once withdrew from the contest. Canning and the General were returned, the former warmly shaking Brougham's hand on the hustings. Horner, the kindly and assiduous, yet judicious and impartial chronicler of Brougham's career, wrote to his father after the result of his friend's contest was made public—

I looked upon his return as certain, and nothing except Romilly's similar disappointment has given me greater or more sincere distress. It is a great public loss not to have Brougham in Parliament; it is rendered greater by his failing in an attempt to which he had been encouraged by the popularity of his eminent services last summer; and what aggravates it as a public misfortune, is, that Canning, the author of these Orders in Council, should be elected in triumph upon the very spot where their ruinous consequences were most severely experienced.

In a subsequent letter he says, "It is clearly ascertained that the real cause of Brougham's failure is the indiscretion of having joined Creevey (the fourth candidate) with him, and attempted to carry both members in the popular interest."

CHAPTER VI.

THE LAST PARLIAMENTS OF GEORGE III.

A.D. 1812—1820.

Brougham's Independence of Party Ties—Temporary Exclusion from Parliament—Prostration after the Peace—Brougham returned for Winchelsea—Agricultural Distress—Foreign Policy—Freedom of the Press—Brougham's Parliamentary Position—The Income-Tax—Tory Tyranny—Popular Education—Parliamentary Reform—Public Charities—Contest for the Representation of Cumberland.

THE simple circumstance of Brougham's venturing to dare a contest with Canning in his own constituency, is proof enough of the Parliamentary position he had succeeded in securing during the two years and a-half he had sat for Camelford. On at least two important occasions he had effectually influenced legislation—in the partial abrogation of the Orders in Council, and in the completion of the great work of Wilberforce. It is to be remarked that from the first Brougham made it clear that he was in no way bound by the trammels of party. True, community of sentiment and the ties of friendship connected him with the small party of Whigs, but he seldom chose on the occasions of his speeches those questions which were especially identified with such names as Holland, Grey, and Grenville. Probably, the only strictly party question in which Brougham took a leading part was that of the currency ; but he, like his

friend Horner, urged the resumption of cash payments on the merits of the case—on politico-economical rather than on political grounds. The Whigs, on the other hand, as a body, sharing the prevalent indifference to the true principles of public finance, saw in the currency question little more than a convenient and serviceable weapon for harassing the Ministers in their conduct of the war, and for hastening its termination. With the exception of this one question, we rarely find Brougham's name in any of the debates on the matters with which the Whigs, as a party, especially concerned themselves ; such as Catholic Emanicipation, Parliamentary Reform, and the management of the war. It was not that Brougham was at all indifferent to these questions ; his views on the Catholic and Reform questions were well known ; but he preferred to start game for himself ; there was no lack of eloquent advocates of the claims of the unenfranchised and the Catholics ; the fields he chose for his efforts were less occupied, and there was more room and opportunity for the exercise of his personal efforts.

Brougham did not find a seat for nearly four years after his rejection at Liverpool. They were the years of all others during the whole period of his public life in which it is least to be regretted that he was not in Parliament. They were the last years of the great French war—years in which almost every domestic question, certainly every proposal for domestic reform, was postponed to the mighty struggle of which all Europe was the arena. The period of Brougham's ostracism was the period of Wellington's resumption of active hostilities in the Peninsula. Bursting from his lair at Torres Vedras, and relying on the bravery of

Picton and his Light Division, he clove his way into Ciudad Rodrigo and Badajoz, won the fight of Salamanca, and opened up the road to Madrid; then at Vittoria gained the great victory which virtually terminated the war; pressed across the Pyrenees, and, leaving his lieutenants to reduce Pampeluna and St. Sebastian, proclaimed the Bourbon in the old fief of the Black Prince. Brougham's years of privacy compassed the pinnacle of Napoleon's power and the depth of his downfall. During their continuance, the Corsican was at Lutzen and Bautzen, fought the hard-contested battles of Borodino and Dresden, gazed on the conflagration of the Kremlin, fled to France, suffered the rout of Leipzig, and was sent to Elba. And in the final year of Brougham's exclusion from public life, the last crowning and decisive struggle came. Ligny, Quatre-Bras, and Waterloo were fought on successive days. Napoleon gave all up, and Europe was once more at the mercy of the Holy Alliance of her despots. During this period, too, Brougham had made the melancholy discovery that the concession he extorted from Castlereagh came too late. In 1812, the year of the abrogation of the Orders in Council, England and America were at war, the slaughter of St. Orleans and the sack of Washington were fixed as permanent stains on our fame, and there was established an acrimony in the international relations of the two greatest peoples of the earth which has rankled down to our own times. When the whole earth resounded to the din of cannon, while scores of thousands of lives were being shot or sabred into death every year, while the nations were writhing in the last death agony of their long fight, and when all men's minds were maddened at the appalling

and intoxicating spectacle, there had been little good work for the Reformer of peace to do in Parliament.

In the autumn of 1815, all men were worshipping *Astræa Redux*, and anticipating that plenty would flow in upon them as from a cornucopia. But they soon found out, to use Castlereagh's phrase, "the severity of the transition from peace to war." We had become used to war. Not only—unfortunately—all our political institutions, but even our social nature seemed to have conformed to a new system, and to be attuned to no other state but to that of remorseless war, straining every nerve, and placing national existence on the hazard of each moment. From this condition of unexampled exertion and excitement, the country sunk all at once into the lap of peace. But the revulsion was so great, that none of the blessings of repose, save only the negative blessing that human lives were no longer wasted in bloody contention, ensued immediately as the result of tranquillity. With the rage of war the consumption of war also ceased, and the immense manufacturing and commercial interests of Britain were thrown into complete stagnation. Almost unlimited distress was the consequence; every class of the community suffered more or less, and the lower and labouring orders were reduced to absolute starvation. To complete the universal misery, a scanty harvest in 1816 gave the finishing stroke.

In this year, Brougham was again brought into Parliament by Lord Darlington, for the borough of Winchelsea. He plunged at once into the business of the country, confining himself chiefly to the two questions—than which, indeed, scarcely anything else was debated—of the state of the nation, and of the foreign policy of the

Government, as members of, or sympathisers with, that Holy Alliance which Brougham was then the only man of note to denounce.

As far back as 1813, the farmers had commenced to look upon a bountiful harvest as their greatest calamity—the best proof that could be furnished of the thoroughly unnatural system of the Corn Laws. Now, the nearer prospect of open markets increased their terrors. To propitiate them, the Sliding-Scale Act of 1815 was passed, by which eighty shillings was fixed as the lowest price at which corn could be imported. This measure was carried in haste, and by large majorities, in spite of the earnest protest of the commercial and manufacturing community. While Parliament perpetrated the injustice it had its hall of deliberation surrounded by troops, a defence against the people in whose interests it professed to be legislating with such exceptional precipitation.

Spite of all that was conceded, agricultural distress continued. Brougham's first speech, in 1816, was on the pressing subject of the hour. It is one of the most magnificent of all his speeches. Brougham had the thorough and most valuable power of adapting the tone and style of his oratory to the nature of his audience. If a mere party question was raised, he was completely and effectually a dextrous partisan and master of fence; but when he came to treat themes of wide national interest, affecting concerns infinitely superior to the mere struggles of party, where it is the patriot and the earnest orator, rather than the rhetorician, who must speak, then he rose—as in this case—to the level of the solemn dignity of his subject. He raised all the

points involved in its decision with an impartiality as unbiassed as the clearness of his exposition was admirable ; and in place of the mere meretricious ornamentations of his accustomed oratory, there was the oracular judgment of the dispassionate and authoritative law-giver. This speech foreshadowed much of the future legislation for which we are indebted to Brougham, more especially in the important department of our Poor-law system.

It is no very heavy blame to Brougham that, in 1816, he was not long-sighted enough to have thoroughly mastered the doctrine of Free Trade, and its perfect applicability if ruthlessly applied to all conditions of the body politic. He confessed that he considered the protective law "as politic, or, at least, a palliative ; as the means of carrying the country through difficulties of temporary pressure." Brougham and Horner, and the anti-paper currency economists were, also, the more disposed to concede the agricultural claims ; for they were anxious to keep the Government to their engagement to resume cash payments at the termination of the war ; and they saw in a measure which would prevent a sudden fall of prices a valuable aid to them in their endeavours. They had, too, a sort of tacit compact with the landlords, who were as anxious to receive their rents in an undepreciated currency as the economists were to restore the national finances to a sound condition. Hardly any one in the House of Commons, save Mr. Baring, was found to stand up for the doctrine that restriction was impotent to maintain steady prices ; but in the Lords, a number of peers, whose names we cannot forbear to enumerate—Grey,

Grenville, Wellesley, Buckingham, Carlisle, Devonshire, and Spencer—placed upon the journals a protest, containing these weighty sentences—sentences which show that, in respect of sound knowledge of the only principles of successful trade, they were far ahead of their contemporaries, whether in the House of Commons or out of it:—

We cannot persuade ourselves that this law will ever contribute to produce plenty, cheapness, or steadiness of price. So long as it operates at all, its effects must be the opposite of these. Monopoly is the parent of scarcity, of dearness, and of uncertainty. To cut off any of the sources of supply can only tend to lessen its abundance; to close against ourselves the cheapest market for any commodity, must enhance the price at which we purchase it; and to confine the consumer of corn to the produce of his own country, is to refuse to ourselves the benefit of that provision which Providence itself has made for equalising to man the variations of season and climate.

From the Treaty of Vienna there had resulted the systematic restoration of universal despotism—a despotism that was all the more odious and disgusting, that the most saintly professions were made while its chains were being riveted. All the hopes of nations already betrayed by Napoleon were betrayed again, and the freedom of the Continent deferred for another half century. Castlereagh was a culpable accomplice in the iniquity accomplished at Vienna. Brougham was the only man (Canning's lips were fettered) to call the cold and callous Tory to account. In 1816, Brougham, taking up the ancient eighteenth century cry of the Whig party, furiously attacked the maintenance of war taxes, and the continued strength of the army at such a pitch as to show that the Government intended to make England, for the first time in her history, a military monarchy.

He inveighed against the continuation of the war taxes, those levelled on income, property, and malt; and attacked the whole foreign policy of the administration. He sneered at their ingenuity in frittering away questions of the greatest national importance. He dared them to a general debate on their policy. He said they trifled with the public by exposing to examination only one "feature," as it was called, after another of their policy. For his part, he could not distinguish one feature from another they were all in harmony; they had all the same expression; they were all parts of the same face; they all looked one way; they looked against the constitution, and formed neither more nor less than the visage of a military monarchy.

In this year, Brougham made an ineffectual attempt to carry a bill for securing liberty of the press. It proposed to abolish the power of exhibiting ex officio informations for libel or seditious words; to take away the right of the counsel for the Crown to reply on trials for such offences, when defendants had called no witnesses; and, under certain regulations, to permit defendants to give evidence as to the truth of any libel or seditious words. The times were truly unfavourable for any such attempts as this to increase the liberty of the subject. England was just entering on the second epoch of its long subjection to the thralldom which George III. had set himself with such pertinacity to accomplish, from the first day he mounted the throne, and ousted Chatham to make way for the subservient Bute, the supposed paramour of his mother; in the accomplishment of which intent he found Chatham's son his apt though reluctant instrument; and which lasted until the reign of his son,

when the icy manacles began to thaw under the influence of Canning, a man liberal at heart, the sagacity of Peel, who knew when to make concessions, and the common sense of Wellington, content to follow the lead of his faithful lieutenant. But the thaw had not yet commenced. The cold frost of ministerial despotism had yet to complete its hardening process: the Six Acts were yet to be passed, the Peterloo massacre yet to be perpetrated. It was not till four years after, that the trial of the queen, and the social disorganisation and terror which arose from it, enabled Brougham to deal the first of many repeated blows against the iniquitous system under which our grandfathers groaned.

In the Session of 1816, Brougham had asserted for himself a position of supremacy, but many of his fellow-legislators were far from disposed to accord him the consideration which the tone of his addresses implied that he arrogated. A certain Mr. Crother told him, this year, that "he had been of late beginning to be bold, and assumed a tone and manner not only unusual in that House, but scarcely to be tolerated in society." In the same year, Mr. Wellesley Pole was called to order for saying that Mr. Brougham "had that night received a lesson." Mr. Pole assured the House that he had meant no offence, and had not intended to be personal. Brougham very quietly said, "He hoped the honourable gentleman would in future learn to express himself in words that would convey his real meaning, and not use language implying sentiments contrary to his intentions."

The Whigs were startled into alarm and activity by the speech of the Regent at the opening of Parliament

in 1817. His Royal Highness hoped that economy would be shown in preparing the estimates, "so far as consistent with the public requirements," and added a clause for which there was in former speeches from the throne no precedent—"and with the station which we occupy in Europe." The prevalent fears that we were permanently to be made a military Power, with a large standing army, and no longer to depend, as before the French Revolution and subsequent war, on our empire of the seas and the insularity of our position, were now fully confirmed. All opposition must be made to so dangerous and novel a situation as this. Amendments were moved in both Houses, dwelling on our condition of "unexampled domestic embarrassment," and urging a careful revision and considerable diminution of the expenditure. Shortly after, the estimates were presented; they provided for the enormous number of 150,000 soldiers; and it was proposed to diminish the income tax by one-half, instead of altogether abolishing it. The financial policy of Government was at once attacked with zeal. Castle-reagh, against his usual wont, lost his temper, and reproved what he had the insolence to call "an ignorant impatience to be relieved from the pressure of taxation." This unlucky saying was the best thing that could have happened for the Whigs; they took care to feed the flame of public indignation against "the settled system to raise this country into a military Power," and the onerous burden of taxation which would be made permanent if the purpose were allowed to be persisted in. On the 13th of March, Brougham, in a speech of great power, which displayed a remarkably intimate knowledge of all topics connected with the trade of the country,

proposed a series of resolutions, attributing a large portion of the prevailing distress to the severe pressure of taxation; and expressing the opinion that the foreign policy of the Ministry had not been such as to obtain those commercial advantages which its influence in foreign courts fairly entitled it to expect. The resolutions were negatived; but elsewhere he was more successful.

Ever since the first promulgation of the Orders in Council, Brougham had been associated with Baring as the recognised representative of the mercantile interest. These two gentlemen, with all the Whigs to back them, undertook a united onslaught on the Income Tax. They organised meetings, and instructed all the commercial towns to petition with assiduity. Before a week had passed their response came. London and all the great cities petitioned through their corporations, and through every ward, guild, and parish. The counties followed suit, and sheets for signature lay in every town-hall, market-place, and in the inns where the farmers congregated. By every parliamentary expedient Brougham delayed the progress of the Government Bill while the concourse of petitions never flagged. At last the final debate was waged. The Ministry were overwhelmed with the opposition of all parties, even of their accustomed supporters. Wilberforce, for example, said that "War and Income Tax were wedded together." On the 18th of March the House divided, and the Ministry was defeated by a majority of thirty-seven. The Ministers had to surrender the Income Tax; they "threw in" the Malt Tax also, patching up their Budget with a loan. Castlereagh coolly stated that it was

"a matter of indifference whether they took a loan of six or eight millions."

On the 11th of July, Brougham again assailed the policy of the Ministry. He averred that their measures were "neither calculated to fulfil the hopes, to alleviate the sufferings, nor to recover the affections of the people." "The people" were by this time in a very dangerous condition. Sedition, the natural fruit of starvation, prevailed in the land. Its more excessive forms were fomented by the Ministers and their infamous army of spies, in order to terrify the country into such a tremor as would incline it to submit to a suspension of their liberties. Carefully contrived words had been inserted into the Regent's speech with this determinate intent. "You will feel," he said, "a just indignation at the attempts which have been made to take advantage of the distresses of the country, for the purpose of exciting a spirit of sedition and violence. I am too well convinced of the loyalty and good sense of the great body of His Majesty's subjects to believe them capable of the arts employed to seduce them; but I am determined to omit no precautions for preserving the public peace, and for counteracting the designs of the disaffected." Hundreds and thousands of the people were starving, and such crimes as incendiarism—the farmyards of the farmers who kept up the price of wheat being generally chosen—were prevalent. Scores of men were hanged. In all the riots, Luddite and other, which prevailed, there was no political element. But it was the design of the Government to connect in the popular idea the political movements guided by Cobbett, Major Cartwright, Lord Cochrane; and Henry Hunt, with the outrages of ignorant weavers and

labourers, maddened by starvation. In the midst of all the tumult, the Prince was mobbed in his carriage. This "outrage" the Ministry at once turned to account. They had messages of condolence and loyalty voted by both Houses, and at once proceeded to demand full powers of coercion. A secret committee was appointed; ere its report was sent in, the Liberals insisted on the necessity of making some concession to the just demands of the people. Brougham spoke, and with a fearlessness which nothing could affect, directed his diatribes against the Prince himself. Covering his allusions with a veil, which made them only the more pungent by their indirectness, he talked of the vices of the worst of the Cæsars, and inveighed against "those who oppressed and insulted the nation by successive acts of enormous wastefulness, surrounded themselves with tawdry splendours, associated with the most profligate of human beings, and could not suspend for a moment their thoughtless amusements to end the sad suspense between life and death." The latter reference was to a fact of then recent date. Fifty-eight prisoners had lain for three months under sentence of death in Newgate, waiting till the Regent could persuade himself to leave Brighton, and come to London to sign the death-warrants of the unhappy wretches.

In spite of all the efforts of the Whigs, the Ministers carried their repressive measures, suspending the Habeas Corpus Act and other ancient guarantees of liberty; and then proceeded, armed with these ample powers, to wreak the Regent's vengeance on the unsuspecting victims of their spies. Brougham steadily opposed the suspension of personal liberty, taking care, at the same time, to

protest his own antipathy to all revolutionary projects and organic changes.

He found time, amid all the excitement of this most exciting period, to inaugurate his long-continued efforts for the education of the people. Before he entered Parliament, he had published "Practical Observations on the Education of the Poor." In this year, he succeeded in having a committee appointed to inquire into education in the metropolis. Their report made known the astounding fact that there were 120,000 children in London and Westminster, who had neither the elements of education, nor the means of obtaining them. The occasion was not favourable for taking any practical action to remove a state of things such as this; so Brougham reserved his efforts. In the autumn he visited, in Italy, the injured Princess of Wales, to whom, about this time, he was appointed legal adviser. He took advantage of his proximity to cross Switzerland, and visit the educational establishments of Fellenberg and Pestalozzi. He brought the results of his visits with him, and, by promulgating them, was mainly instrumental in the foundation of those excellent institutions, when wisely conducted—infant schools.

Brougham's position in Parliament became stronger every day. In 1817, Jeffrey wrote from London to his brother-in-law in New York:—"Tierney is now the most weighty speaker in the House of Commons, and speaks admirably for that House; Brougham is the most powerful, active, and formidable." Liverpool and Castlereagh continued their dragoon policy, and the Whigs could do little more than protest. The occasions of great displays on constitutional questions were rare,

and Brougham devoted himself with all the more assiduity to the promotion of the education of the people, and the rescue of ancient endowments from the spoilers who had long fattened on their proceeds.

Motions for inquiring into popular grievances were frequently made in 1818, and among their supporters we frequently find the name of Brougham, associated with Romilly, Tierney, and Burdett. He also spoke on the pecuniary provisions for the Royal Dukes, who all set about getting wives after the melancholy death of the Princess Charlotte, the daughter of Brougham's illustrious client; on Tithe Law Amendment; in support of Burdett's motion for a repeal of the Septennial Act, which was seconded by Lord Cochrane, but was not carried to a division; on the Budget, and Parliamentary Reform.

This Session, the committee which he had succeeded in having appointed to inquire into the education of the lower orders, brought up its final report; having already presented five in the course of the Session. The funds of the parish and charity schools of London, they reported, were not, for the most part, prudently or honestly administered; but with the richer metropolitan schools, such as Christ's Hospital and the Charter House, they had little fault to find. The committee, having this year received powers to extend its investigations over the whole country, also reported that there existed 18,500 day and 5,100 Sunday-schools; the former being attended by 644,000 and the latter by 452,000 children. This year Mr. Brougham obtained a Commission of Inquiry into all endowed charities, save those in connection with the Universities and Cathedrals. Some years hence we shall find it returning its report. Great

dissatisfaction was felt in the country at the paltry spleen of the Government in not appointing Mr. Brougham as one of his own commission. He had succeeded by this time in awakening public attention to the important question of education. His well-known letter to Sir Samuel Romilly, "On the Abuse of Public Charities," was published this year; ten large editions were sold in a very few weeks. The education controversy was fairly started, and that was a good deal to have won. In Brougham's own words, "it was a controversy as fierce and uncompromising as almost any that ever raged—a controversy which agitated all men over the country."

In 1818, Parliament was dissolved. Brougham, still galled by the fetters of his close borough connection, although his patron did not attempt to exercise the slightest control over his votes, resolved to stand for the county of Cumberland (in which he was now himself a landowner, his father having died in 1810) against the all-powerful family of the Lowthers. He conducted his canvass with great pertinacity, and received cordial support from the independent freeholders, the small "Statesmen" of the hills; but the Lonsdale influence carried the day, and Brougham was defeated—this year, and in 1820, and 1826, when he again became a candidate for the representation of his ancestral county. We have already adverted to the admirable power which Brougham had of adapting the style of his oratory to the nature and capacity of his audience. The following somewhat lengthened extract from his speech from the hustings at Appleby, after the declaration of the poll, will be admitted to be confirmatory of our allegation:—

The result of this day's contest has filled different persons with opposite feelings. Good men, who see in the state of the poll the cause of independence defeated, and the usurpation of your rights perpetrated, mourn over it. Wicked men see in it the disunion of the country prolonged, and please the malignity of their nature with a long prospect of struggle and disturbance. The minions of corruption shout at the temporary failure, as a short respite given to that system by which they are upheld, and in which they riot and fatten. Wise men alone see the result in its proper light ; as a great blow given to oppression, and as a foretaste of certain victory, which nothing but imprudence can frustrate, and which firmness and perseverance must ultimately ensure. There are some weak intellects who, instead of looking at the justice of a cause, suffer themselves to be carried away by the event ; and these men may despond. But men of wisdom regard its merits more than its temporary success ; they resolve to exert themselves for it with confidence in the issue ; they ask only, "Does it deserve to succeed ?" and then leave the event to Providence, looking for the reward of their exertions in their own breasts, and careless of what passes without. The short-sighted and fickle men who are the sport of events, unable to bear good fortune with moderation, cannot support adversity with firmness, but are as timid and dejected by the one, as they are domineering and insolent in the other. While the sky was overcast, while the day was in suspense, while the danger existed, they durst not declare themselves ; they sailed under false ensigns, they were afraid to show their colours ; they hid themselves in holes and corners, and you might be in the presence of a multitude of them without being able to see, hear, or feel them, while they shrunk from observation, conscious that they were not respected, and that they ought to be despised. But when the storm was over, when they saw that the danger was passed, and that their safety was secured, then they came forth, as has been seen to-day, from their hiding-places, like swarms of despicable vermin, scattering about their filth and slime ; and the face of the earth was—I cannot say peopled, but bespattered with the venomous reptiles. Then their cowardly voices were raised to utter the cry of short-sighted insolence, and to hail, not a final triumph, but a short respite from the fate that awaits them. Such a cry it is the duty of you, the independent freeholders, to despise like the croaking of a reptile—to despise them as they deserve to be despised, and as they despise themselves. But you ought to go one step further. These reptiles

are contemptible, but you should bear in mind that they are likewise noxious, and steps should be taken which, in any future struggle, must secure the independence of the country against their efforts.

Mr. Brougham had been wise enough not to resign his seat for Winchelsea, for which he was returned now, and again two years afterwards, at the dissolution which succeeded the death of George III.

CHAPTER VII.

THE TRIAL OF QUEEN CAROLINE.

A.D. 1820.

Retrospect of the Life of the Queen—Her Persecutions—Mr. Brougham becomes her Legal Adviser—Accession of George IV., and his demand for a Divorce—The Queen's enthusiastic Reception in England—Preliminary Proceedings—The Trial—Brougham's Great Speech—Events subsequent to the Trial—Brougham's Defence of Ambrose Williams.

WE have now arrived at a period in our narrative when Brougham reached the culminating point of his popularity and fame. We are not about to chronicle the noblest achievement of his many-featured life, still less to record the act which stands forth as the most beneficial service he conferred on his country. Were our search for this, we should pursue it in the three fields of what he did for the amendment and cheapening of our law, the extension of our political rights, and the diffusion of education among all classes. But the fact remains that no Englishman ever enjoyed a wider popularity and more enthusiastic admiration in the homes and hearts of the empire, than Brougham in 1820, when he was conducting the defence of the Queen of England against the charges of her libertine husband.

George, Prince of Wales, had been in no haste to marry; he preferred the syrens who ministered to his passions, or the victims whom he succeeded in ensnaring

into shame. But, addicted as he was to every form of vice, he had plunged himself into debt, the annoyance connected with which induced him to adopt any expedient which should relieve him from its pressure. His father's constitutional advisers informed him that they could not apply to Parliament for funds to meet his liabilities unless they could show something in the nature of a "quid pro quo." They suggested to him that he should take a wife, thereby render probable the direct lineal succession to the throne, and, also, at the same time, furnish some guarantee that the tenor of his life for the future would be of such a nature as to make further applications for money less likely. The calculating debauchee accepted the proposal, and his father's Ministers announced the expected matrimony, and solicited the money for the Prince at the same time. This was in 1795. The next thing to be done was to discover a suitable consort for the heir to the British Crown, facetiously known as "the first gentleman in Europe." George III. and his spouse thought that a niece of their own, a Princess Caroline of Brunswick-Wolfenbützel, would suit best. She was the daughter of the old Duke of Brunswick, one of the best of the fighting men trained in that excellent school for fighting men, the camps of Frederick the Great. She was also the sister of that Brunswick who afterwards fell fighting bravely at the head of his "Black Brunswickers" at Quatre Bras. The Princess Caroline had been brought up by her uncle, who kept open house for all soldiers. Her education appears to have been anything but queenly. She spent her girlish years rather in romping with dragoons than in the society of tutors and "gouvernantes." Her worst crime seems to have been

the hoydenism which naturally resulted from this upbringing by her rough, hearty, soldier uncle. As she was, she was accepted by the Prince of Wales as his wife. From the first it is plain that he took her as the necessary accompaniment to the payment of his debts. It had been stipulated that his necessities would be relieved if he married. There was nothing in the bond about living cleanly, as a husband should ; about affection, or even delicacy and respect to be shown to his wife. All that the Prince was bound to do was to marry, and with that he contented himself. The Princess, who had already been, in conformity with the curious Royal custom, married by proxy at her uncle's palace, was conveyed to England, and in London she was married to her husband "in propria persona." The young couple lived together without, at least, any outward indication of discord, until a short time after the birth of their child, the Princess Charlotte. An heir being born, there was no longer any interested motive for the concealment of the aversion which, if well authenticated Court gossip be true, the Prince had audibly and insolently expressed when he first set eyes upon his bride. They continued to live together under the roof of Carlton House, but occupying separate apartments, and holding no intercourse with each other. Even this ostensible domestic harmony did not last long, and the Princess accepted a separate establishment, on the distinct understanding that, whatever happened—whether the child lived or not—the separation should be final and irrevocable. She took up her abode at Blackheath, established her retinue of servants on a modest scale, lived a life of retirement, and found a vent for her amiable

nature in her abundant deeds of charity. The aversion of the Prince pursued her even to the retreat to which she had withdrawn herself, restricting, as far as he could, her intercourse with her child ; and her condition was rendered still more worthy of pity by his influencing his mother, a woman who was heartless to all but her own children, against the unfortunate lady who had left her happy home, stating, in her girlish joy, that she was "vastly happy with her future expectations."

The Princess of Wales did not enter much into society, but a certain lady, a neighbour at Blackheath, Lady Douglas, the wife of Sir Charles Douglas, who was attached to the household of the Duke of Sussex, contrived to ingratiate herself with the Princess ; and ere long a fast friendship sprung up between the two. Then they quarrelled, and the Princess forbade the visits of the lady. Lady Douglas was a peculiarly spiteful person, and there is some suspicion that from the first she designed to fabricate some story affecting the honour of her "friend." Whether or not the project was first dictated by revenge at the rejection of her friendship, she did communicate to the Prince the intelligence that his wife was the mother of a boy, born at such a date after the separation as to make it impossible that he was the father of it. Sir Sydney Smith, the hero of St. Jean D'Acre, was said to be the paramour of the Princess, and she was accused of a general levity of behaviour with other gentlemen. A commission was appointed by the King to inquire into these serious charges. Their investigation was careful and protracted, and its result, while not holding the Princess guiltless of the minor charge of a certain impropriety in her extremely trying and difficult

position, entirely exonerated her of infidelity to her marriage vow. Thus foiled in his attempt to shake off the trammels of his nuptial bond, and so be able to secure another victim, the Prince vented his spite by having made public the disgusting details of the investigation that had thus resulted. Whitbread and other members of the Lower House were incensed at this insult to their future queen, and moved, in 1813, an address to the Prince Regent, "expressive of the deep concern and indignation of the House at the publication of the obscene and offensive depositions ; and requesting his Royal Highness to order measures to be taken for discovering and bringing to justice the persons concerned in giving them publicity."

In 1814 the culminating insult was offered to the Princess. In that year the allied sovereigns came over from Paris to visit the Court of St. James's ; and there were a host of splendid displays and Court fêtes to commemorate the peace, and welcome the conquerors of Napoleon. The Queen, at her worthless son's instigation, communicated to the Princess her desire that she should not attend any of the drawing rooms, as, after what had happened, her husband could not meet her ! Shortly after this, the Princess, weary of her long sorrow, departed from England to seek in extended travel some solace from her suffering. We need not detail at any length—it is not necessary to our purpose—the successive stages and incidents of her journeys. After a happy tour through the minor German States, ruled over by the kinsmen and friends of her family, who gave her the first kindly greetings she had received for years, save from a small band of sincere and incorruptible friends in Eng-

land, she took up her residence in Italy, having purchased a villa on the shores of the beautiful Lake of Como. From this as her head-quarters, she took more extended journeys, visiting Greece, and penetrating as far as Jerusalem. In certain respects, and in one in particular, her conduct was very far from discreet; though it would be hard to reprobate harshly the indiscretions of one who had suffered so much, who had no natural guide or protector, and had been thrown upon herself when she was almost a girl. A certain Italian, Bergami, whom she had first hired in a menial capacity, was elevated by her, by successive steps, to the highest position in her retinue—one which entitled him to sit at her table, and to be the constant companion of her ample leisure. Situated as she was, a course like this was the very one she ought to have avoided; for her strange partiality for this dependant was only too likely to suggest the disparaging suspicions which soon began to be expressed of the nature of her intimacy with him. She had many occasions of discovering the censure which such imprudent conduct entailed. On one occasion, for example, the captain of an English man-of-war, which was conveying her in one of her voyages in the Mediterranean, refused to sit at his own cabin table with a man who had formerly, when he had been the guest of the Princess, waited upon her party. But she was stubborn in her devotion to her master of the household (for this was the position Bergami occupied), and so far from being restrained in her condescension to him, she went to the absurd extent of founding a knightly order of St. Caroline, at Jerusalem, of which she was to be patroness, and Bergami the head.

In 1817, her daughter, the Princess Charlotte, died in childbirth, her child also perishing. The Prince Regent had now no heir, and he became doubly desirous of breaking the bond which attached him to his wife. He sent out a secret commission to Milan, to inquire into the rumours affecting the honour of the Princess. They prepared a ponderous report as the result of their "delicate investigation," and the Prince believed that its contents, when the time came, would be sufficient to effect his much-wished-for divorce. Messrs. Alderman Wood, Whitbread, and others of the friends of the Princess in England, when this suspicious occurrence became known, recommended her Royal Highness to select some competent person as her legal adviser, and the choice fell upon Mr. Brougham. We have already recorded his visit to her at Como, in the autumn of 1817.

When George III. died, Mr. Brougham at once apprised his illustrious client of the fact, and advised the Queen of England as to her fitting course under the circumstances. With equal haste, after his father's death made him king, George IV. informed his Ministers what course he expected them to pursue towards his Queen. He would be content with nothing less than a divorce, and ordered that her name should be struck out of the Liturgy. Mr. Denman afterwards beautifully said that this omission would not prevent the people of England praying for their Queen in their churches, for they would not fail to remember her name while supplicating the succour of Heaven for "all that are desolate and oppressed." The Ministry were placed in a most unpleasant predicament. To refuse to act as the King wished was to imperil their places, but to

comply was to incense the whole country against them, for almost every man and woman in the land believed the Queen to be innocent; and the few who entertained suspicions of her guilt, pitied her as the victim of her husband's cruelty, and thought that, even if guilty, her misconduct was "provoked by outrage and facilitated by neglect." The King himself was exceedingly unpopular with his people, not only on account of his conduct to his wife, but because of his complicity in the worst acts of the odious Liverpool Administration—the instigators of the Peterloo massacre, and the authors of the "Six Acts." He had affected Liberal opinions in his younger days of riot and debauchery, but merely that he might annoy his father, enjoy the society of the wits and hard drinkers of the Whig party, and secure supporters in Parliament when he applied for money to pay his disgraceful debts, or wished to be entrusted with full kingly power when his father's fits of madness made him Regent for the time. But during the long protracted period of insanity that preceded the old King's demise, the Prince had shown that he entertained quite as tyrannical sentiments as "Farmer George." The rule of Liverpool was more cruel than had ever been that of Pitt or Addington, and the Prince gained the hate of his people. It was well for England and for the progress of English liberty, that the sceptre descended from a would-be despot—whose public vices were rendered the more dangerous by the private virtues and homely habits which endeared him to the people—to one who had no alluring or amiable quality, but united all the excesses of a debauchee to selfish and callous coldness to the welfare of a people for whom he cared nothing, except as the

contributors of the means of his expensive and degrading pleasures. The persecutions of Queen Caroline, and the excitement attendant upon her trial, were real and effective agents towards the completion of the fabric of our freedom.

The Ministry were in a dilemma, but got out of it by a compromise, by which they hoped at once to retain their places and their popularity. They respectfully informed the King that they could not find it consistent with their duty to seek a divorce against the Queen, if she remained abroad, and did not claim to be formally recognised as the consort of the sovereign; but pledged themselves to institute a Bill of Pains and Penalties against her if she came to England to assert her rights. This they, no doubt, believed to be a very clever and satisfactory arrangement, for they made sure that, after an absence so long protracted, and with her experience of her treatment in England so very vivid in her memory, the Queen would never entertain the idea of returning to the shores she had left six years before. They soon found, however, that they were entirely deluded in their anticipations. What was the advice which Mr. Brougham gave when he communicated to Her Majesty the death of King George, we have, of course, no means of knowing. But, acting either on her own or her advisers' judgment, Queen Caroline wrote to Lord Liverpool that, as English ambassadors at foreign courts refused to recognise her as Queen of England, she was on her way home to claim the recognition of her just rights. There was no help now, then, but to proceed to the suit for a divorce. One last device was tried. An emissary was sent to St. Omer, to intercept the

Queen, and offer her terms to stay away. He arrived at his destination at the same time as Mr. Brougham. She spurned his offers, and, without even Mr. Brougham's knowledge, ordered her carriage, and left her hotel for Calais, while Lord Hutchinson—the Government agent—and Brougham were conferring upon her case.

The Queen's bold determination had thrilled the whole nation. All at once they went into a fever of excitement, and of devotion to the royal lady who had been so wronged. Received at Dover with a royal salute from the castle guns, and by the acclamations of a multitude assembled on the beach to welcome her, she at once continued her journey to London, amid the cheers of the populace all along the great high road. She crossed Westminster Bridge, and passing along Pall Mall, the mob obliged her carriage to stop before Carlton House, where they gave three lusty cheers of derision against the owner of the notorious palace. Her temporary residence was the house of Alderman Wood, in South Audley Street.

On the very day of Her Majesty's arrival the King sent a message to Parliament, requesting that an inquiry into the Queen's conduct should be instituted, and that the papers containing the evidence which had been collected at Milan should be examined, in order that a Bill of Pains and Penalties might be passed, for the purpose of depriving the Queen of her rights and dignities, and of divorcing her. On the day following Mr Brougham read in the House of Commons a letter from the Queen, praying for a public inquiry. Numerous discussions took place in both Houses, and much delay occurred in consequence. Mr. Wilberforce, in the

interest of public morals, endeavoured to pour oil upon the troubled waters. But conciliation was impossible. The King and Queen were each equally eager to pursue the investigation. The House of Commons washed its hands of the whole business, and would not consent to appoint a committee to deal with it. The Lords appointed a secret committee to examine the documents which the King had sent down, and it was finally determined to try the Queen by the peers of the realm. Messrs. Brougham and Denman were formally appointed her attorney and solicitor-general; they were recognised as such by the judges, and admitted within the bars of the several courts. The Queen's friends endeavoured to set aside the proposed trial by the peers as arbitrary and unconstitutional, alleging that her rank ought not to deprive her of the right possessed by every British subject, of being tried by a jury.

Brougham and Denman took more pertinent objections to the course which was being pursued. On the 26th of June they were heard by the Lords in support of the Queen's petition against a secret inquiry; but the Peers decided against them. On the 4th of July the Lords' committee brought up their report. The Queen prayed to be heard by counsel at once, but this was refused; and on the 5th Lord Liverpool introduced "an Act to deprive Her Majesty Queen Caroline Amelia Elizabeth, of the titles, prerogatives, rights, privileges, and exemptions of Queen Consort of this realm, and to dissolve the marriage between His Majesty and the said Caroline Amelia Elizabeth." The preamble of the bill accused her generally of improper conduct, and specifically of adulterous intercourse with Bartolomeo Bergami,

one of her Italian servants. The day after the first reading of the bill, the Queen offered a protest, and was heard by counsel. It was urged that the bill should be either dropped, or be carried through without delay. Expedition was promised, but the second reading did not come on till the 17th of August, after which Gifford and Copley, the attorney and solicitor-general, proceeded to examine their twenty-five witnesses. Then there was poured forth, day after day, a profusion of the most obscene details, the falsity of most of which was obvious, and was displayed by the rigorous cross-examination of Brougham, but which, diffused every day in the public prints, did infinite damage to the decency and morality of the empire. Day after day, for three weeks, the Queen sat at the bar, while her Italian servants, and English officers who had observed her conduct, narrated foolish or disgusting tales. The case for the prosecution was finished by the 8th of September, and Brougham and Denman applied for a delay of three weeks to enable them to prepare their defence.

Seldom, if ever, has any advocate in ancient or modern times occupied a more distinguished position than did Brougham, when, on the 3rd of October, he opened the defence of his regal client. It was a splendid position to occupy—to have entrusted to his advocacy the honour, the fame, and the fate of the Queen Consort of the first country in the world, against a charge preferred by the Sovereign himself, before a body of judges who were his own subjects. But Brougham's clients were the whole nation; the brief he held was for the men and women of England. Opinions were divided as to the Queen's guilt, but there was almost absolute unanimity as to the

desirability of her acquittal. Even those who believed her guilty believed that the sad circumstances of her lot, and the peculiar temptations to which she had been subjected ever since her disdainful rejection by him who had sworn before God to protect her, if they did not actually condone her culpability, at least operated most strongly against the injustice of meting out to her the punishment inflicted upon the abandoned and the wanton. Those who believed her innocent were indignant at the persecution of one whom they believed to be a spotless woman and a faithful wife, by one who, ever since he had reached manhood, had paraded his impurity without the slightest inkling of shame or decency, and whose example had corrupted a Court whose natural heads were patterns of all the domestic virtues. All eyes were fixed on Mr. Brougham ; he knew that the reward of his advocacy, if successful, would be no less than the hearty gratitude of a whole people. He proved himself equal to the occasion. His vehement and splendid oratory as the defender of the Queen, was as matchless as had been his skill and self-possession while tearing to shreds the incoherent and halting evidence of the suborned instruments of the prosecution. The defence, which altogether occupied forty-nine days, was concluded by Brougham in a speech which we should gladly have presented entire, but from which we can only extract some of the closing sentences :—

Such, then, my lords, is this case. And let me again call on your lordships, even at the risk of repetition, never to dismiss for a moment from your minds the two great points upon which rests my attack upon the evidence ; first, that they have not proved the facts by the good witnesses in their reach, whom they have no shadow of pretext for not calling ; and secondly, that the witnesses whom they have ventured to call are, every one of them, injured in their credit. *Hew,*

I again ask, my lords, is a plot ever to be discovered, except by the means of these two principles? Nay, there are instances in which plots have been discovered through the medium of the second principle, ~~when~~ the first had happened to fail. When venerable witnesses have been seen to be brought forward, when persons above all suspicion have lent themselves, for a reason, to impure plans, when nothing seemed possible, when no resort for the guiltless seemed open—they have almost providentially escaped from the snare by the second of these principles; by the evidence breaking down where it was not expected to be sifted, by a weak point being found where no pains, from not foreseeing the attack, had been made to support it. . . .

Your lordships recollect that great passage—I say great, for it is poetically just and grand—in the Sacred Writings, where the elders had joined themselves, two of them, in a plot which had appeared to have succeeded. In that, as the Scriptures say, they had “hardened their hearts and had turned away their eyes, that they might not look at heaven, and that they might do the purposes of unjust judgment.” But they, though giving a clear, consistent, and uncontradicted story, were disappointed, and their victim was rescued from their gripe by a trifling circumstance of a contradiction about the mastick-tree. Let no man call those contradictions or those falsehoods which false witnesses swear to from heedless falsehood—such as Sacchi about his changing his name; or such as Demont about her letters; or such as Majocchi about the banker’s clerk; or such as all the others belonging to the other witnesses; not going to the main body of the case, but to the main body of the credit of the witnesses—let no man blindly call these accidents. They are dispensations of Providence, which willed not the guilty should triumph, and which favourably protects the innocent. . . .

Such, my lords, is the case before you. Such is the evidence in support of this measure, inadequate to prove a debt, impotent to deprive of any civil right—ridiculous of the lowest offence—scandalous if brought forward to support a charge of the highest nature which the law knows—monstrous to ruin the honour of an English queen! What shall I say, then, if this is their case, if this is the species of proof by which an act of judicial legislature, an “*ex post facto*” law, is sought to be passed against this defenceless woman? My lords, I pray your lordships to pause. You are standing on the brink of a precipice. It will go forth your judgment, if it falls against the Queen; but it will be the only judgment you will ever pronounce which will fail in

its object, and return upon those who gave it. My lords, from the horrors of this catastrophe save the country—save yourselves.

The trial was now concluded. On the 6th of November the division on the second reading was taken—in other words, the Peers were called upon to pronounce their judgment as to the guilt or innocence of the Queen. A hundred and nine voted her guilty, eighty-one indicated by their votes their belief in her innocence. On the 10th, a division was taken on the third reading of the bill. The majority had dwindled from twenty-eight to nine, and the Government at once abandoned the bill.

All through the trial, the most intense excitement had prevailed. Public addresses, breathing the greatest affection for the Queen's person, and detestation of her opponents, poured in from all quarters, and the streets of the metropolis were daily crowded with cavalcades proceeding to Brandenburgh House, Hammersmith—Her Majesty's residence. Day by day, as she went to occupy her place at the bar by the side of her counsel, "the streets were thronged, balconies and house-tops swarming; multitudinous voices invoked, 'God bless your Majesty,' urged the hesitating soldiers to do honour to their Queen, and hooted or cheered the leading partisans." The whole country breathed a full sigh of relief when the Queen was virtually declared guiltless.

It would divert us from the direct purpose of these pages to narrate the subsequent incidents of the Queen's embittered life—her worshipping in St. Paul's, to express her gratitude for deliverance from a great peril; her rejection of an annuity from the Crown; the handsome provision made for her by the House of Commons; the addresses of congratulation presented from all parts of

the country on her virtual acquittal; the ill-success of her unwise attempt to be present at her husband's coronation; the persistency in the malicious purpose of omitting her name from the Liturgy; her sickening and death, and the riotous accompaniments of her funeral.

It happened that a printer at Durham, Ambrose Williams, published in the newspaper for whose contents he was legally responsible, certain animadversions on the refusal of the clerical authorities of the city to allow the bells to be tolled on the occasion of the Queen's death. He was tried for libel, and the verdict went against him. Mr. Brougham was his counsel, and he made what he considered the most successful of all his forensic speeches. Its invective was truly Demosthenic in intensity and galling force, and we think it well worthy of being copiously extracted from.

The clergy of the diocese of Durham stand in a peculiarly unfortunate situation; they are, in truth, the most injured of men. They all, it seems, entertained the same generous sentiments with the rest of their countrymen, though they did not express them in the old free English manner, by openly condemning the proceedings against the late Queen; and after the course of unexampled injustice against which she victoriously struggled had been followed by the needless infliction of inhuman torture, to undermine a frame whose spirit no open hostility could daunt, and extinguish the life so long embittered by the same foul arts—after that great princess had ceased to harass her enemies (if I may be allowed thus to speak, applying, as they did, by the perversion of all language, those names to the victim which belong to the tormentor)—after her glorious but unhappy life had closed, and that princely head was at last laid low by death, which living, all oppression had only the more illustriously exalted—the venerable the clergy of Durham, I am now told for the first time, though less formal in giving vent to their feelings than the rest of their fellow-citizens—though not so vehement in their indignation at the matchless and unmanly persecution of the Queen—though not so

unbridled in their joy at her immortal triumph, nor so loud in their lamentation over her mournful and untimely end—did, nevertheless, in reality, all the while deeply sympathise with her sufferings, in the bottom of their reverend hearts! When all the resources of the most inglorious cruelty hurried her to a fate without parallel—if not so clamorous, they did not feel the least of all the members of the community. Their grief was, in truth, too deep for utterance—sorrow clung round their bosoms, weighed upon their tongues, stifled every sound, and when all the rest of mankind, of all sects and of all nations, freely gave vent to the feelings of our common nature, *their* silence, the contrast which *they* displayed to the rest of their species, proceeded from the greater depth of their affliction; they said the less because they felt the more! Oh! talk of hypocrisy after this! Most consummate of all the hypocrites! After instructing your chosen official advocate to stand forward with such a defence—such an exposition of your motives—to dare utter the word hypocrisy, and complain of those who charged you with it! This is indeed to insult common sense, and outrage the feelings of the whole human race! If you were hypocrites before, you were downright frank honest hypocrites to what you have now made yourselves—and, surely, for all you have ever done, or even been charged with, your worst enemies must be satiated with the humiliation of this day, its just atonement and ample retribution!

Judging beforehand, no doubt, any one must have expected the Durham clergy, of all men, to feel exactly as they are now, for the first time, ascertained to have felt. They are Christians; outwardly, at least, they profess the gospel of charity and peace. They beheld oppression in its foulest shape; malignity and all uncharitableness putting on their most hideous forms; measures passed to gratify prejudices in a particular quarter, in defiance of the wishes of the people, and the declared opinions of the soundest judges of each party; and all with the certain tendency to plunge the nation in civil discord. If for a moment they had been led away, by a dislike of cruelty and of civil war, to express displeasure at such perilous doings, no man would have charged them with political meddling; and when they beheld truth and innocence triumph over power, they might, as Christian ministers, calling to mind the original of their own church, have indulged, without offence, in some little appearance of gladness; a calm, placid satisfaction, in so happy an event, would not have been unbecoming their sacred station. When they found that her sufferings

were to have no end, that new pains were inflicted in revenge for her escape from destruction, and new tortures devised to exhaust the vital power of her whom open lawless violence had failed to subdue—we might have expected some slight manifestation of disapproval from holy men, who, professing to inculcate loving-kindness, tender mercy, and good-will to all, offer up their daily prayers for those who are desolate and oppressed. When at last the scene closed, and there was an end of that persecution which death alone could stay—but when not even her unhappy fate could glut the revenge of her enemies—and they who had harassed her to death now exhausted their malice in reviling the memory of their victim : if among them had been found, during her life, some miscreant under the garb of a priest, who, to pay his court to power, had joined in trampling upon the defenceless—even such a one, had he the form of man, with a man's heart throbbing in his bosom, might have felt even *his* fawning, sordid, calculating malignity assuaged by the hand of death ; even *he* might have left the tomb to close upon the sufferings of his victim. All probability certainly favoured the supposition that the clergy of Durham would not take part against the injured, because the oppressor was powerful ; and that the prospect of emolument would not make them witness with dry eyes and hardened hearts the close of a life which they had contributed to embitter and destroy. But I am compelled to say that their whole conduct has falsified those expectations. They sided openly, strenuously, officiously, with power, in the oppression of a woman whose wrongs this day they, for the first time, pretend to bewail in their attempt to cozen you out of a verdict, behind which they may skulk from the inquiring eyes of the people. Silent and subdued in their tone as they were on the demise of the unhappy queen, they could make every bell in all the chimes peal when gain was to be expected by flattering present greatness. Then they could send up addresses, flock to public meetings, and fill the press with their libels, and make the pulpit ring with their sycophancy, filling up to the brim the measure of their adulation to the reigning monarch, Head of the Church, and dispenser of its patronage.

CHAPTER VIII.

FOREIGN POLICY—BROUGHAM'S SUPPORT OF CANNING.

A.D. 1820—1827.

Political Effects of the Queen's Trial—Brougham's Position in Parliament and with the People—Character of Canning—Disruption of the Holy Alliance—Continental Affairs—The Congress of Vienna—Change in English Foreign Policy—Brougham Defends it—The Revolutions in Spain and Portugal—Brougham's Defence of Non-intervention—Canning offers to make Brougham a Judge—"The Schoolmaster Abroad."

AFTER the result of the trial of Queen Caroline, Lord Erskine thus wrote, and his words expressed the sentiments of every thoughtful mind in the nation :—

My life, whether it has been for good or for evil, has been passed under the sacred rule of the law. In this moment I feel my strength renovated by that rule being restored. The accursed change wherewithal we had been menaced has passed over our heads. There is an end of that horrid and portentous excrescence of a new law, retrospective, iniquitous, and oppressive ; and the constitution and scheme of our polity is once more safe. My heart is too full of the escape we have just had to let me do more than praise the blessings of the system we have regained.

To what extent the efforts of Mr. Brougham operated to induce the Ministry to withdraw their accusation, it is impossible to say. The waning of their majority in the Peers must be attributed to various causes. If there were some nobles and prelates who voted the Queen guilty because they wished to propitiate their royal

master, others voted her guiltless because they were politically opposed to the Tories and the Court; others, because their natures revolted against heavily punishing a sin—if there had been sin—which was “provoked by outrage and facilitated by neglect;” and a third section went in fear of the terrible anger of the people if the Queen were adjudged impure and divorced. Brougham’s performances must, nevertheless, be admitted to have had much to do in producing the result. Mr. Ward merely gave expression to what all were saying, when he wrote, “The display of the power and fertility of his mind in this business has been quite amazing; and these extraordinary efforts seem to cost him nothing.” If Brougham had failed and the Queen been decreed guilty, it is almost certain that there would have been a revolution in England. Fortunately, the contingency which would have provoked a lawless outbreak against a prostituted law, did not occur. Yet the Queen’s trial left lasting effects. The apathetic submission to authority which had prevailed since the peace, and which had provoked the Liverpool Ministry to the tyrannical policy against which the small band of Reformers had vainly combated, no longer existed. The people had felt, and almost shown their own strength; and the consciousness of their power remained. Every long arrear of reform was ingeniously taken up, and assiduously pressed upon the enfeebled authors of the “Six Acts.” The next ten years, the years intervening between the Queen’s trial and the Reform Administration, were years of substantial progress and gain. With great difficulty, and after much delay, successive concessions were extorted; but they *were* extorted, and ere the accession

of the Sailor King, the whole tenor of our foreign policy had been diametrically reversed, and, in domestic affairs, the nation had accumulated a host of beneficial measures of amendment, and were eagerly panting for a still more radical reform, which should for ever establish an apter machine for effecting further change. The years between 1820 and 1830 were busy years, and no man was more busy than Brougham in quickening the advent of every kind of reform. He had become a power in the State. No longer did any county member dare to reprove his "arrogance of tone." No longer did the House venture to listen to his harangues, and then quietly, and without even the compliment of controversy, dismiss his motions and resolutions. He was engaged in the fore-front of every great combat. Almost all that was done for education of adults and children in these years was done by Brougham. He was the effective ally of O'Connell and Shiel in their mighty labour. No one rendered to the endeavours of Macintosh and Romilly for the amelioration of our criminal code, more signal and serviceable aid. He was ever ready to second Lord John Russell in his isolated efforts for the disfranchisement of places notoriously corrupt. Huskisson, and Robinson, and Vansittart were warmly supported by him in their great work of the reduction of taxation, and the just rectification of its incidence. The Dissenters found in him a hearty ally in the agitation which they so vigorously carried on for the removal of the political restrictions which degraded the holiest rite of the Christian faith, insulted the convictions of the sincere, and debauched the consciences of the feeble. For every blow struck against slavery by Buxton and Wilberforce, Brougham

struck another ; and together they ripened the question for the sickle, whenever the new era inaugurated by the death of King George displayed so wide a harvest ready for the reaper. Lastly, Brougham, who, single-handed, had denounced in 1816 the dynastic arrangements which accompanied the Peace, with a magnanimity that at once put aside all considerations of party' and of previous rivalry, supported Canning with a zeal unsurpassed by any "Canningite" in that manly policy of non-intervention and impartiality which Canning was the first English statesman to preach, and which founded and fixed the foreign policy of England for all succeeding years.

It is too much the fashion now to set aside the era preceding the Reform Bill as a dead waste in our history. No mistake can be more egregious. Great men ruled England in this decade of our century. Canning rose to his appropriate altitude, and in his short years of power atoned for the errors of a period when he was pained by the taunt of being a parvenu, and coerced into courses against which his soul chafed, by that most dangerous of all conditions for a statesman—poverty and political dependency. Canning, when at last he was free, proved himself another Chatham in the assertion of his independence and the vigorous moulding of the national policy by his own convictions ; and Canning received from Brougham (who was in this respect most honourably distinguished from nearly all the Whigs) a willing and efficient support that Chatham never received from any man. Even after Canning's death, the years were great and prolific of wise legislation. They were the years of the ascendancy of Peel, guiding and controlling the stolid and impracticable Iron Soldier, who pro-

fessed to rule on principles of subserviency and "duty," despicable in England, and most uncongenial to our national character. Peel was a man very different from Canning; but he was an appropriate man to succeed him. He was a great administrator, ranking in this respect above all other English statesmen, save Walpole and the elder and the younger Pitt alone. He had no strong convictions—a condition otherwise expressed by the euphemistic saying that he was "open to conviction." None more than Brougham applied the pressure which procured "conviction," and the first régime of Peel was thickly studded with successive deeds of political reform.

We proceed to summarise the chief incidents and gains of this epoch in which Brougham was prominently concerned, choosing that arrangement which will group them together by their nature and affinity, rather than chronologically recording the unconnected achievements of each successive year.

In narrating at some length the circumstances at home which procured the elevation of Canning, first to the Foreign Office, and then to the Premiership, we are merely explaining how it was that he so totally altered the foreign policy of England; and any account of the policy which he adopted will equally serve to inform the reader as to what was the foreign policy which Brougham thoroughly approved and vigorously defended; for his and Canning's views and wishes were exactly coincident.

The year 1821 witnessed the deaths of Napoleon in his island prison, and of the last surviving members of the Holy Alliance; for death had stricken them down in quick succession after the cruel compact for the repression of the liberties of the nations entrusted to their rule,

which they had sealed six years ago, with the connivance of Castlereagh, at Vienna. Meanwhile, German Liberalism had been waxing strong. Metternich had summoned a congress supplementary to that of Carlsbad, to consider how best the sympathisers with the assassin of Kotzebue could be dealt with. While the Congress were conferring about Germany, a revolution broke out in Spain; the insurgents demanding the restoration of the Constitution which had been granted in the year in which Wellington crouched in his Torres Vedras lair. The petticoat-embroidering king granted his subjects' demand—and immediately returned to his sartorial devotions. In the same year the Portuguese extorted a similar concession from their king. The Neapolitans, also, wrested a promise of freedom from Ferdinand. In Piedmont and Lombardy similar movements arose, but were soon repressed for want of courage on the part of Charles Albert, who had yet ten years to wait for his crown, but who might in this year have assumed the rôle of a Prince of Orange or Orleans. The first indications, too, of the Greek rising began to appear. France was moving in the same direction; and the assassination of the Duc de Berri measured the depth of her devotion to the restored Bourbons. Alarm spread among the despots: their work seemed all undone. They resolved upon another congress, and meanwhile certain of their number proceeded to quell the tumults in their own neighbourhood. Austrian influence had long predominated in Italy; and Spain, though she had suffered so much and so often from France, showed herself more disposed to obey her behests than to trust to the nation which had liberated her from Napoleon's Marshals.

Austria sent a strong army across the Apennines, shot and hanged many hundred Neapolitans, and "restored order." The French Bourbon did not, as yet, invade Spain, but concentrated a strong army at the northern base of the Pyrenees. Through 1821 and 1822 the reign of the soldier and the executioner continued in Italy; and early in 1822 it was known that France only waited for a pretext to cross the Pyrenees by the passes through which Wellington had pursued her shattered hosts but eight years before. Especially, she wished a European sanction for her raid. On the pretence of the Greek and Turkish question needing discussion, a Congress was summoned to meet at Vienna. In ordinary course, the English Ministry would have sent Castlereagh (now the Marquis of Londonderry) to represent her, and to ratify what he had done at Vienna; but on the 18th of August, Lord Londonderry's valet found his master lying dead in his bedroom in a pool of blood, which had flowed from a severance of the carotid artery by his own hand. Lord Londonderry had been Foreign Secretary, and his place was vacant. The Ministry had great doubts as to who should fill it. Canning had been Foreign Secretary under the short-lived ministry of the Duke of Portland; and he had been appointed President of the Board of Control by Lord Liverpool in 1816. He had refused to have aught to do with the prosecution of the Queen, had resigned his office, and spent a year abroad. Returning after the Queen's death, Lord Liverpool, whose cabinet was far from strong, would gladly have re-enlisted Canning, his old schoolfellow and friend; but the King resented his daring to refuse to be one of the persecutors of his wife, and would not hear of his re-appointment.

Meanwhile, Lord Liverpool patched up his Administration with a few Whigs of the Grenville following—Lord Wellesley being the only important accession. Canning made up his mind that there would be no more official work for him while the King lived. The East India Company had had the best opportunity of becoming acquainted with his administrative capacity—which was equal to his oratorical power—when he had presided over the Board of Control, and they solicited him to go out to India as Governor-General—a most tempting offer to a man with very slender fortune, without family influence, and occupying a peculiar position of isolation—a man of the people by birth, and the opponent of popular claims by party connection; reviled as an apostate by the Radical, despised as a “novus homo” by his own allies.

When it became known that Canning was to go to India, the nation was unanimously ashamed—ashamed that such a man—for all, at least, admired him—should be lost to his own country. He was posting down to Liverpool when he heard of the death of Londonderry. He had no idea that this occurrence would at all affect his own prospects, but his constituents were so convinced that he must have the Foreign Office, that they turned what was to have been a farewell into congratulations at the continuance of their connection with their member, and his certain elevation. Lord Liverpool saw how popular the appointment would be, succeeded in impressing the same view upon the sullen King, and had his friend gazetted Foreign Secretary. It is not the slightest exaggeration to say that, from a period shortly succeeding the day of his appointment until the day of his death, the foreign policy of England was simply what Canning willed that

it should be. His was a master mind, but it did not at once vindicate its supremacy. His difficulty was twofold. His policy was not for a time properly understood, and the middle course he took was liable to misrepresentation. There were few who possessed the clear-sightedness of Brougham, who from the first not only supported Canning's policy, but also did him much greater service in expounding and explaining it. Canning was so outspoken in his approval of the efforts of peoples, in the New as well as in the Old World, to free themselves, that he was upbraided by those who did not allow for his counter doctrine of non-intervention, for refusing to commit England as an active ally of those who were struggling for liberty ; and, on the other hand, despot-lovers endeavoured to prove, by his own doctrine of non-intervention, that he ought not even to express himself favourable to one party of belligerents in disputes which were not settled. The personal was, at least, equal to his political difficulty. To it we have already alluded, but no apology is necessary for the citation of words spoken by him in 1816, in which he manfully faced this peculiarity of his position :—

To this charge, as I understand it, I am willing to plead guilty. A representative of the people, I am one of the people ; and I present myself to those who choose me with only the claims of character (be they what they may), unaccredited by patrician patronage or party recommendation. . . . There is a political creed which assigns to a certain combination of great families a right to dictate to the sovereign and to influence the people ; and this doctrine of hereditary aptitude for administration, singularly enough, is most prevalent among those who find nothing more laughable than the principle of legitimacy in the Crown. To this theory I have never subscribed. If to depend directly upon the people, as their representative in Parliament—if, as a servant of the Crown, to lean on no other support than that of public confidence

—if that be to be an adventurer, I plead guilty to the charge ; and I would not exchange that situation, to whatever taunts it may expose me, for all the advantages which might be derived from an ancestry of a hundred generations.

Canning had another difficulty to contend with, which may be regarded as of his own voluntary creation ; or it may be looked upon as the effect of the natural bent of his genius, or the result of the position we have alluded to acting upon a strong pride of character. Brougham himself thus describes this, in his "Sketches of the Statesmen of the Reign of George III. :"—

With the common run of ordinary mortals who compose the mass of every country, with the plainer sort of men who form the bulk of every audience, and who especially bear sway in their own appointed place, the assembly that represents the English people, it would have been contrary to nature if one so lively, so fond of his joke, so careless whom his merriment might offend, so ready to turn the general laugh against any victim, had been popular, nay, had failed to prove the object of suspicion, and even dislike. The duller portion, over whose heads his lighter missiles flew, were offended with one who spake so lightly ; it was almost personal to them if he jested, and a classical allusion was next to an affront. "He will be laughing at the quorum or talking metaphysics next," said the squire representing a county. But even they who emulated him and favoured his claims, did not much like the man who had made them so merry, for they felt what it was that they laughed at, and it might be their own turn to-morrow.

Great was the mind that overcame such difficulties as these. Magnanimous, too, was the hearty and unreserved way in which Brougham, once he saw that Canning was to rule the Ministry and act as he thought fit, gave him his support. All considerations of a long continued rivalry—for these two had ever pitted themselves against each other—were set aside, and Brougham, the Constitutional Reformer and antagonist of all Tories and Pittites,

became the most useful ally of the early protégé of Pitt, who had deserted the ardent Liberalism of his Eton days, and served in Tory harness all through the war and the years of tyranny that followed the peace. Brougham's conduct was all the more honourable that it entailed severance from his own party allies, and won him their distrust. The family Whigs would never recognise Canning's merits. They carped at and harassed him. Even Earl Grey delivered against him, in the House of Lords, one of the severest and most malignant speeches ever uttered. We are strongly inclined to believe that the reluctance which the Whigs showed to provide for Brougham in their Reform Ministry, and their permanent exclusion of him from power ever after, proceeded in very considerable measure from their displeasure at his refusal to participate in their factious opposition to the noblest foreign policy ever exerted by England in time of peace.

Having thus dwelt upon the general position of affairs which resulted from the instalment of Canning in the control of our foreign policy, and explained the attitude which Brougham took up towards the new Ministry, we must hasten over the detailed particulars which record Canning's policy reduced to action ; for tempting as is the deviation, we are mindful of the other fields which we must tread ere we can close the narrative of Brougham's labours during the ten years which we are now traversing.

Canning sent the Duke of Wellington to Vienna, giving him very specific and very unmistakable written instructions :—" If there be a determined project to interfere by force, or by menace, in the present struggle in Spain, so convinced are His Majesty's Government of the

uselessness and danger of such interference, so objectionable does it appear to them in principle, as well as utterly impracticable in execution, that when the necessity arrives, or (I would rather say) when the opportunity offers, I am to instruct your Grace at once frankly and peremptorily to declare that to any such interference, come what may, His Majesty will not be a party." At the Congress, Chateaubriand very early let it be explicitly understood that his Sovereign sought the support of the Powers in his projected invasion of Spain, that he might assist his Bourbon cousin to recant the Constitution which the Cadiz insurgents had extorted. Wellington delivered his message, said a word for Italy, and withdrew.

The King's speech, in 1823, stated the course that had been taken by Wellington at Vienna, and pledged the Ministry to do all in their power to avert war between France and Spain. Canning was not a member of the House, not having yet been re-elected for Liverpool. In his absence, Brougham delivered one of his most magnificent orations, vindicated the insurgents in various countries of Europe, eulogised the Ministry, and with terrible heat denounced the Holy Alliance. "Free States," he said, "were the safest and most natural allies of England," but, at the same time, it was our proper course to seek a quarrel with no community, whether tyrannized or free.

Spain was invaded by France, and then Canning was attacked on all sides for not going to war in support of the Spanish constitutionalists. Brougham again defended Canning's policy, and re-echoed the proud assertion of the Minister, that he had broken up the Holy Alliance. Again, in 1824, was Canning attacked most virulently

by the Whigs. Again Brougham defended him, pithily reminding his audience that "England stands bound over in recognisances of eight hundred millions to keep the peace." At the same time he admitted that not even the load of debt should prevent our engaging in a "just and necessary war." Such a "just and necessary war" Canning would have engaged in, had France carried out her threat of coercing the revolted South American provinces of Spain into subjection; but the firm language he held to Chateaubriand restrained Charles X. from carrying his threat into execution. He at once recognised the South American Republics, and, aided by Brougham, baffled the intrigues and the open opposition of the inveterate Tories, appalled at this speedy recognition of bands of rebels.

In 1826 a constitutional Government was established in Portugal. The Court of Spain threatened to perform the same service for the Portuguese as France had rendered to her, and in Portugal itself there was a strong absolutist party. The national party was hard pressed, and applied to England for help, pleading ancient and oft-ratified treaties. Canning at once responded to the call, equipped an armament, and sent it forth. Very few sentences from a speech delivered by him in Parliament, contain the reasons and justification of this course:—"Internally let the Portuguese settle their own affairs; but with respect to external force, while Great Britain has an arm to raise, it must be raised against the efforts of any Power that shall attempt forcibly to control the choice and fetter the independence of Portugal. . . . We go to Portugal, not to rule, not to dictate, not to prescribe constitutions, but to defend and preserve the

independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted, foreign dominion shall not come." Great cheering followed these thrilling words. Mr. Brougham rose and "declared that now, indeed, the nation was governed on wise, liberal, and truly English principles, and its burdens would be cheerfully borne." Canning's force in the Tagus had no fighting to do. The Spanish army on the frontier was withdrawn, and Portugal left to "settle her own affairs." Next year, Canning's policy was crowned with a new triumph—the recognition of the independence of Greece.

Five months before the last-mentioned event, Lord Liverpool had been suddenly stricken down by apoplexy. Although he lingered for some months, it became necessary to fill up his place. Canning might not have been made Prime Minister, but for an intrigue against him on the part of certain leading Peers, which the King had the manliness to resent as an attempt at dictation; and, although he had hitherto wavered, he at once appointed Canning Prime Minister. He soon received "a bundle of resignations," but the vacant places were filled up. Brougham, along with Tierney, Burdett, and Sir Robert Wilson, marched across the House and took his seat behind the Treasury Bench; he announced his intention of giving an independent support to the Ministry, but, at the same time, explicitly announced that he had bound himself not to take office. One of the first uses which Canning made of his power was to offer Brougham the honourable judicial office of Lord Chief Baron of the Exchequer. Brougham at once declined it. "Why," said Canning, "the post of Chief Baron is, you know, the

half-way house to that of the Chancellor." "Yes," replied Brougham, "but you deprive me of the horses that are to take me on." That is to say, exclusion from the House of Commons would have been fatal to further advancement. Canning's administration was universally admitted to be the strongest that had existed since that of Pitt; but alas! it lasted but a short time. After a week's severe illness, Canning died, on the 8th of August.

Brougham continued his course of neutrality under the Goderich and Wellington Ministries, but he no longer sat upon the Government side of the House. At the appointment of the Duke of Wellington, Brougham asserted that it was unconstitutional, the Duke being also, at the same time, commander-in-chief. "No one," he said, "valued more highly than himself the services of the Duke as a soldier; but he did not like to see him the constant and confidential adviser of the Sovereign, at the head of the civil and military establishments, possessing the perfect confidence of the Court and of most of the aristocracy, dispensing all the patronage of the Crown, the army, and the Church."

But it is not that we might record the direct purpose for which this speech of Brougham's was made, that we thus allude to it. It contained the most memorable of all Brougham's curt utterances, which we present along with its immediate context:—

But let it not be supposed that I am inclined to exaggerate. I have no fear of slavery being introduced into this country by the power of the sword. It would take a stronger, it would demand a more powerful man, than even the Duke of Wellington, to effect such an object. The noble duke might take the army, he might take the navy, he

might take the mitre, he might take the seal—I would make the noble duke a present of them all. Let him come on with his whole force, sword in hand against the Constitution, and the energies of the people of this country will not only beat him, but laugh at his efforts. There have been periods when the country has heard with dismay that the soldier was abroad. That is not the case now. Let the soldier be ever so much abroad in the present age, he can do nothing. There is another person abroad—a less imposing person, and in the eyes of some an insignificant person—whose labours have tended to produce this state of things. *The schoolmaster is abroad*; and I trust more to the schoolmaster, armed with his primer, for upholding the liberties of the country, than I fear the soldier with his bayonet.

CHAPTER IX.

POPULAR EDUCATION AND DIFFUSION OF KNOWLEDGE.

A.D. 1819—1830.

Marriage—Elected Lord Rector of Glasgow University—Edinburgh Banquet—Anecdotes of Brougham's Versatility and Capacity for Work—Appointed King's Counsel—Bill for National Education—Foundation of the London Mechanics' Institution—Dr. Birkbeck—The Society for the Diffusion of Useful Knowledge—Partial Departure from its First Programme—The University of London.

WE have omitted to record in its proper place an important act of Brougham's life. Like two other English Lord Chancellors of our century, Lord Brougham ran off with his wife and married her across the Border. In his case, it was no blushing maiden whom he induced to fly with him. The fair runaway was a widow, having already been the wife of John Spalding, Esq. She was the granddaughter of John Eden, Esq., and the sister of Lords Auckland and Henley. Mrs. Spalding became Mrs. Brougham in an inn at Coldstream—a small town just across the Tweed—in the year 1819. Two daughters were the fruit of this marriage, but they both died many years ere the decease of their parents. By a gracious act of Queen Victoria, a new patent of nobility was conferred on Lord Brougham, by which his title descends with his property to his younger brother and his male issue. That we may not again interrupt the course of our narrative of his public labours, we may here state that Brougham's

mother, who was "a woman of talent and delightful character," lived on until some years after her son had reached the pinnacle of his popularity. Mrs. Brougham, senior, died in 1839. We have already recorded the death of her husband in the year in which their son first entered Parliament.

In 1825 Mr. Brougham was brought forward by some youthful Scottish admirers as a candidate for the Lord Rectorship of the University of Glasgow. Others of the students supported Sir Walter Scott. Two of the four "nations" voted for Brougham; two for the Tory minstrel and novelist. The outgoing Lord Rector had to decide between the two parties by his casting vote. Sir James Macintosh, who was the retiring academic dignitary, decided that Brougham was the preferable competitor. The address which he delivered on the occasion of his installation is of great merit, and its excellence is the more wonderful that it was composed at intervals snatched from the engrossing legal labours of the Northern Circuit. Many stories are current of the extraordinary manner in which Brougham prepared some of his most popular and estimable literary productions under circumstances of similar difficulty. In one night, after a hard day's canvassing among the freeholders of Westmoreland, he wrote a complete article on (we believe) a somewhat intricate scientific subject, for the *Edinburgh Review*. On another occasion, when he contested the county of York, he addressed eight meetings in one day, posted to York by night, and, having travelled a hundred and twenty miles within twenty-four hours, conducted an important case at the assizes in the morning. Again we hear of him residing with a peer for a few days, and devoting appa-

rently every hour to political business that he could spare from the study of a load of briefs which he had brought with him; yet, all the while, writing long letters on subjects connected with the higher mathematics to a younger brother then at college. From another, and a reliable, source we learn that during the busiest period of the circuit, he not only gave full directions for the agricultural series of publications issued by the Society for the Diffusion of Useful Knowledge, but actually wrote himself the treatise on sheep-shearing and wool, as a practical exemplification of his general injunctions.

The old friends and admirers of Mr. Brougham in his native city took advantage of his presence in Scotland to invite him to a complimentary banquet. "Harry Cockburn," as his fellow-citizens loved to call him, to whose "Memorials," and "Life of Jeffrey," we have been so much indebted for many of the facts contained in our earlier chapters, presided. He thus handsomely and felicitously gave expression to the common sentiment of those who had assembled to do honour to their townsman. After alluding to Brougham's departure from Edinburgh, Cockburn said :—

From that day to this, our accomplished friend has gone on in the display of successive achievements, of such brilliancy that the preceding one seemed so great that it was deemed impossible to be surpassed, until the succeeding one eclipsed it with its glory; until, at last, he exhibited, in his pregnant history of mental progress, one of the noblest and most cheering spectacles which a free country could present in her annals—the spectacle of a young man going forth into public life, supported by his principles and talents alone, and triumphing in their independent success. So advancing, without the advantages of a great private fortune, or hereditary connections, but merely by innate worth, by a sagacious selection of his objects, and the abilities with which he pursued and enforced them; acquiring in this pure and gratifying way

an influence over his countrymen greater, far greater, than was ever obtained on any previous occasion, merely by the single aid of the resources of a single man.

The statement of one further incident in Brougham's personal—or, rather, professional—life, will permit us to return to the more important sphere of his public labours. His appointment of Attorney-General to the Queen had given him precedence at the bar in the same rank as King's Counsel. This he lost when his regal client died. It would have been an act of common justice to have called him within the bar in the ordinary way, when he was thus reduced to the stuff gown. Not, however, until 1827—long after the amount of his practice had entitled him to the position—was he made a King's Counsel. For this recognition of his professional claims and position, he was indebted to the generosity, or rather the justice, of Canning.

The years between 1820 and 1830 witnessed Brougham's unsuccessful endeavour to establish a gratuitous system of education; but also the establishment of the University of London, the London Mechanics' Institution, and the Society for the Diffusion of Useful Knowledge. In 1820 Brougham—who within twelve months had lashed so mercilessly certain of the established clergy in his speech in defence of Ambrose Williams, at Durham—introduced a Bill for "the education of the poor in England and Wales," under the provisions of which the absolute control of the system would have been handed over to the clergy. His famous committee had reported that ten per cent. of the population ought to be under instruction, whereas only six per cent. were at school. This

information had been exclusively derived from the clergy, and it would seem as if they had had much to do with the concoction of the remedial measure. The proposed national schools were to have schoolmasters recommended by the incumbents of parishes, and every teacher was, upon his appointment, to take the sacrament at the hands of a minister of the national religion. It may be fair to accept the extreme desire of Brougham to provide a national system, with whatever restrictions it might be hampered, as a substantial condonation of the intolerant provisions of this measure; but no one can regret that—thanks to the resolute opposition of the Nonconformists—the Bill was withdrawn ere its second reading.

About this time a belief began to grow in many quarters that school training is but a part of the education of the man; and that there was a great need of some device by which adults, especially of the artisan class, might pursue their youthful training, or remedy the want of it, and receive in the intervals of their labour scientific instruction, which should at once expand their minds and cultivate their faculties, and be turned to practical account in their several vocations. More than a score of years before, in a distant city of the empire, one philanthropic man of science had laid the first humble foundation of Mechanics' Institutions. Dr. Birkbeck was Professor of Natural Philosophy in the Andersonian University of Glasgow, an extra-academical but most excellent school of physical science and medical education. In 1800 he commenced a course of popular lectures on two evenings in the week, and also "a series of lectures on the mechanical properties of solid and fluid bodies, abounding with experiments." Both courses were solely

designed for persons engaged in manual labour, for those in higher spheres of life whose early education had been neglected, and those who could not afford to pay the cost of more expensive instruction. The lectures succeeded from the first, and an unbroken succession of courses was kept up by Dr. Birkbeck and other men of the same stamp, who became associated with him in his valuable labours. "Many of our most renowned engineers have to date their progress and success from the instruction thus afforded." So continuous and progressive was their prosperity, that in 1823 a large and commodious hall was built expressly for the delivery of the lectures. In the same year that valuable journal, the *Mechanics' Magazine*, was started, and in one of its earliest numbers the question was put, "Why should Glasgow alone afford to the mechanics of the United Kingdom the only sure means of success? Why not extend it to London?" To this pertinent question there was a quick response. Fortunately, Dr. Birkbeck had migrated to London, and he at once set himself to establish in the metropolis a counterpart of what existed in the then small provincial town. Numbers of the most distinguished men in literature and public life, along with many leading citizens, associated themselves with Dr. Birkbeck, and on the 2nd of December, 1823, the London Mechanics' Institution was born. Brougham was among the very first to volunteer his co-operation; among others of the founders, we find the names of Lord Mayor Sir John Key, the Royal Duke of Sussex, Sir Francis Burdett, the Duke of Bedford, Lord Spencer, Truman and Hanbury the brewers, Dr. Hodgkin, Basil Montague, the editor of Bacon; Sir Peter Laurie, Colonel Torrens, Sir John Cam Hobhouse,

Cobbet, Bentham, Francis Place. Mr. John Robert Taylor, one of the most zealous supporters of the institution, thus defines the especial objects its promoters had in view* :—

It was devoted especially to the instruction of the working classes generally in the principles of the arts they practise, as well as in all other branches of useful knowledge, by means of lectures on the arts and sciences, a library of reference and circulation, a reading room, and an experimental workshop and library. These objects have been carried out to a very great extent, with the addition of elementary classes in English grammar; the Latin, French, and German languages; geography, arithmetic, and mathematics; literary composition and elocution; writing, book-keeping, and short-hand; natural philosophy and phrenology; natural history, chemistry; perspective and architectural, mechanical, ornamental, anatomical, landscape, and human figure drawing; modelling; vocal, instrumental, and choral music.

In 1824 the foundation-stone of the building in Southampton Buildings was laid by Brougham. He did more, in proof of his anxiety to promote the undertaking. He entered, with others, into a considerable proportion of the pecuniary responsibility attached to the project. In recent years this engagement entailed some anxiety, if not loss, to Lord Brougham; but, some years since, the public gladly learned that steps had been taken to relieve his lordship of the responsibility.

The foundation of the "parent" Mechanics' Institution was speedily succeeded by the establishment of similar agencies of education in the provinces. Leeds was the first to follow the example of the metropolis. There are now upwards of 600 institutions of the same

* We have to express our obligation to an excellent pamphlet by Mr. Taylor, published in 1861 by Messrs. Simpkin and Co., for the larger portion of the facts given above.

character in England. This is exclusive of the numerous free libraries, schools of science and art, working men's colleges, &c., whose pedigree must be deduced from the same prolific source.

When the London Mechanics' Institution was but a few months old, Brougham, who had entered heart and soul into the whole field—a field so large and so fresh—of adult education, published a pamphlet entitled “Practical Observations on the Education of the People, addressed to the Working Classes and their Employers.” In an amazingly short space of time twenty editions were disposed of. This enormous sale proved one fact, and effected another. It proved a hungry craving on the part of the half-learned artisans of those days for supplies suitable to their condition and capacities of useful knowledge; and its wide popularity and diffusion did much to call the hunger into existence where the soil was good, but fallow and yet without seed sown. After Brougham's mind and the minds of others were fairly engrossed by the consideration of the best means to solve the problem of adult education, it was very soon discovered that their efforts were, in a large measure, neutralised for the want of cheap and good elementary works, to be used as text-books by those who attended the lectures; still more, for adoption by those who had not oral instruction within their reach.

To have left this necessity unsupplied, would have been to render Mechanics' Institutions only half as beneficial as they would be if the void were filled up. Not only were such scientific manuals as did exist very expensive, but on many important subjects there did not exist any hand-books at all. Even in the fields of civil

history, and general information of an unsystematic character, there was great need of works suitable to put into the hands of the elementary student. In April, 1825, Brougham, Lord John Russell, William Allen, Dr. Lushington, and others, met together and founded the Society for the Diffusion of Useful Knowledge. The great commercial crash of that year temporarily suspended their operations. But by November, 1826, they had reorganised the society, and soon after they issued their prospectus. It stated their objects to be, "The periodical publication of treatises, under the direction and with the sanction of a superintending committee, to impart useful information to all classes of the community, particularly to such as are unable to avail themselves of experienced teachers." Brougham was appointed president, and the first issue of the society was a discourse by him, "On the Objects, Pleasures, and Advantages of Science." Large sums were contributed by munificent well-wishers to defray the cost of the early publications. But ere long, the sale of their works became remunerative, and the society self-supporting. The projectors had come to an understanding at starting that no profit should be derived from the undertaking. All the profits that accrued from the sale of the less expensive works published, were expended upon the preparation of those which cost large sums to produce, and the sale of which, unless so assisted, would not have proved remunerative. To their first plan of issuing only instructive works, was, after some time, added the publication of biographies and other books of an entertaining character. Under the direction of Mr. Charles Knight, their weekly *Penny Magazine* was started, which attained the extraordinary circulation of

200,000. The publications of the Society extended over seventeen years, and every part of the original intentions of the founders was carried out—save one, and an important one. Works on ethics and politics—or rather, on political philosophy and political economy—were at first included in the field mapped out. But this part of the plan was never carried out; it was said, on account of the difficulties of a controversial character inseparable from subjects involving the grand disputed questions of human opinion. Miss Martineau, in her “History of the Thirty Years’ Peace,” confesses herself indisposed to accept this somewhat obvious explanation of the departure from the original idea in this department; and she states that especially after the Whig founders of the Society came into power, their abstaining from the publication of ethical and political treatises was attributed by a large class to their disinclination—now that they had reached power—to popularise those kinds of instruction which would have the effect of making the masses keen and judicious censors of the conduct of public men. The more natural explanation seems to us much more feasible than this strained and far-fetched hypothesis—for which, indeed, there is no corroboration in the general characters of such men as Brougham and Russell.

The list of the great educational labours in which Brougham was concerned is rendered complete when we have added the foundation of University College, London, which was established in 1827. This institution, which was formed to give unsectarian academical instruction, and to confer degrees on those who were excluded from the Universities connected with the National Church, was afterwards expanded into the University of London;

University College standing to it in the ordinary relation of a college to a university, and having affiliated with it a variety of similar institutions, especially the colleges of the Dissenters for the literary and theological education of their future ministers, who were, previously to the foundation of this tolerant University, excluded from all opportunity of being tested by the University ordeal, and distinguished by its credentials of scholarship.

In these congenial and concurrent efforts in the cause of education—elementary and advanced—Brougham and his helpers had to encounter an amount of opposition that we in these days, enjoying the benefits that these men secured for us, find a great difficulty in appreciating. Especially was it among statesmen and public men that opposition was offered, or, at least, indifference was shown. The Tories jeered, and the Whigs, with a few notable exceptions, gave no help. Nor were the clergy less apathetic. Indeed, we have not discovered the name of a single clergyman associated with Brougham and his fellow-labourers in any one of the three enterprises which we have just recorded. All the more honour is due to the small but earnest and resolute band of men who, in the intervals of engrossing labours of a nature at once more profitable and more seductive, worked with faith, and despite reproach, to lay the foundations of that fabric of national knowledge which has now advanced so high, and which owes the strong vitality which effects its steady augmentation to the initiatory and derided efforts of such as Brougham, at a time when the majority of English gentlemen at once feared the education of the people, and laughed at the enthusiasts who believed it possible.

CHAPTER X.

THE ANTI-SLAVERY CAUSE.

A.D. 1823—1830.

Buxton's Motion for Gradual Abolition—Negro Revolts and Outrages by the Whites—Excitement in England—Brougham's Speech on the case of the Missionary Smith—The Doom of Slavery Fixed—Progress of the Movement—Elected Member for Knaresborough—Great Speech by Brougham at the close of the last Parliament of George IV.

THE successful agents in the abolition of the Slave Trade had declared that they had no intention of agitating against slavery, as it existed in our colonial possessions. But it was not long until their hearts were stirred to seek the destruction of the lesser but infamous remaining iniquity. Granville Sharp and Romilly were dead, but Clarkson and Wilberforce remained. The latter was now an old man, and entrusted to Mr. Fowell Buxton the duty of finishing the struggle, as the Parliamentary leader of the Abolitionists. Than Brougham, Buxton had no more zealous coadjutor.

In 1823 Mr. Buxton moved "that the state of slavery is repugnant to the principles of the British Constitution and of the Christian religion, and that it ought to be abolished gradually throughout the British colonies, with as much expedition as may be found consistent with a due regard to the well-being of the parties concerned." The very extreme moderation of this

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proposal was seized upon by Canning, who replied to Buxton, as its weak point. With quick sagacity he pounced upon the "gradualism" of the course proposed, as a thing perfectly impossible. "You must either abolish at once," said he, "or, if not prepared to go that length, wait until the circumstances of the case will permit instant emancipation." The strength of the Abolitionist party, and the tenor of Canning's own argument, equally rendered it impossible that he should meet Buxton's motion with a direct negative. He proposed resolutions, declaring the advisability of immediately ameliorating the condition of the slaves, so as to fit them for freedom at the earliest period when it could be safely bestowed. Even this was a mighty concession, and proved that the good cause was progressing towards victory. When the tidings that the Government had officially so expressed themselves reached the West Indies, a tremendous outcry arose. The planters and their Houses of Assembly declared that the English Ministry had become unmitigated Abolitionists. Nor was this alarm allayed when the next mail brought to the governors of all the islands a circular from Downing Street, prohibiting the flogging of women, and the use of the lash in the field. Jamaica waxed furious, and seriously talked of declaring her independence; but cooled down, and the planters resolved to carry out the injunctions of the circular in their own way. Still, in all the West Indian isles a feeling of exasperation grew and prevailed; and it soon found vent in outrages that did more than all other causes put together to increase the numbers and the zeal of those who, in England, were bent upon abolition.

A missionary to the negroes in Barbadoes, named Shrewsbury, wrote home that the lowest class of whites in the island were ignorant and depraved. His communication was printed in the annual report of the Society of which he was an agent. The meaner mob of colonists resolved to punish him for his truthful witness-bearing. They assailed him in his pulpit, and next day levelled his chapel to the ground. Mr. Shrewsbury was compelled to fly the island for his life. In rejoinder to a proclamation issued by the Governor against the rioters, they produced a placard threatening whoever gave information against them, and declared that they would expel from the island any missionaries who came to preach the Gospel to the negroes.

In Barbadoes, a preacher of Christianity, by the influence he exercised over his negro converts, saved the white population from massacre. The Governor and other officials in that island had insolently omitted to give any publicity to the circular from England, although the courts of justice prepared to act in conformity with its injunctions. The planters talked incautiously and angrily, in the hearing of their house-slaves, about the interference of the home Government. The house-slaves communicated to the field hands what they had heard; the latter believed, from the attempts made to withhold the news, that emancipation, or some lesser boon, had been ordained, and that the planters were illegally denying them their freedom. They were further irritated by an ordinance which prohibited their attendance at their places of worship, unless they received a pass from their masters. They rose in rebellion—but rebelled after a most peaceful fashion. Not a drop of blood was shed. All

they did was to release some of their brethren who had been imprisoned on suspicion by the panic-stricken officials, refuse to work, imprison some whites, and put others in the stocks. They were overpowered on the day after their outbreak, martial law was proclaimed, and its terrors lasted for five months. Two hundred of the negroes were killed and wounded, many of them were lashed with a thousand stripes, and forty-seven were hanged. Not even by this savage retribution was the fury of the colonists slaked. A missionary, named Smith, was put upon his trial before a court-martial. The Anglican clergyman of the island testified that "nothing but those religious impressions which, under Providence, Mr. Smith has been instrumental in fixing—nothing but those principles of the Gospel of Peace which he has been proclaiming—could have prevented a dreadful effusion of blood here, and saved the lives of those very persons who are now (I shudder to write it) seeking his."

Smith was charged with having stirred up the revolt of the negroes and concealed their intentions, and of having refused to serve in the militia, although his plea of ill-health had been in proper form accepted. He was confined for two months in a loathsome and insalubrious dungeon, ere he was brought up for trial. On the evidence of three negroes, suborned and terrified witnesses, who afterwards recanted all that they had testified, he was found guilty and sentenced to death. This sentence could not be carried out without the sanction of the English Government. Immediately upon the receipt of the sentence the Ministers sent out an order rescinding it, but decreed Mr. Smith's banishment from the island.

Ere their order arrived, Smith had fallen a victim to the rage of his persecutors—he had died in prison. Their fury pursued him even to the grave. His burial was ordered to take place at night and in secret, that his attached negro congregation might not attend his remains. His wife and a female friend were driven away when they sought to follow the body to the grave; and it was only by stealth that they were able to be witnesses of his interment. A rude tomb which some of the poor negroes erected was torn up. The London Missionary and the Anti-Slavery Societies published these facts, and all England boiled with righteous wrath. Brougham was selected to bring the transaction before the House of Commons. On the 1st of June, 1824, he moved an address to the Crown, on account of “the violation of law and justice.” After entering at great length into the legal bearings of the case, denying the authority of the court, exposing the suborning of the witnesses, and the illegality of the capital sentence—for the crime, even if fairly established, amounted to no more than misprision of treason—he concluded with these forcible words of rebuke and warning:—

The frame of West Indian society, that monstrous birth of the accursed Slave Trade, is so feeble in itself, and, at the same time, surrounded with such perils from without, that barely to support it demands the most temperate judgment, the steadiest and the most skilful hand; and with all our discretion, and firmness, and dexterity, its continued existence seems little less than a miracle. The necessary hazards to which, by its very constitution, it is hourly exposed, are sufficient, one should think, to satiate the most greedy appetite for difficulties, to quench the most chivalrous passion for dangers. Enough, that a handful of slave-owners are scattered among myriads of slaves. Enough, that in their nearest neighbourhood a commonwealth of those slaves is now seated triumphant upon the ruined

tyranny of their slaughtered masters. Enough, that exposed to this frightful enemy from within and without, the planters are cut off from all help by the ocean. But to odds so fearful these deluded men must needs add new perils, absolutely overwhelming. By a bond which Nature has drawn with her own hand, and both hemispheres have witnessed, they find leagued against them every shade of the African race, every description of those swarthy hordes, from the peaceful Eboe to the fiery Koromantyn. And they must now combine in the same hatred the Christians of the Old World with the pagans of the New. Barely able to restrain the natural love of freedom, they must mingle it with the enthusiasm of religion, vainly imagining that spiritual thralldom will make personal subjection more bearable; wildly hoping to bridle the strongest of the passions in union and excess—the desire of liberty irritated by despair, and the fervour of religious zeal by persecution exasperated to frenzy. But I call upon Parliament to rescue the West Indies from the horrors of such a policy; to deliver those misguided men from their own hands. I call upon you to interpose, while it is yet time, to save the West Indies; first of all the negroes, the most numerous class of our fellow-subjects, and entitled beyond every other to our care by a claim which honourable minds will most readily admit—their countless wrongs, borne with such forbearance—such meekness—while the most dreadful retaliation was within their grasp; next, their masters, whose short-sighted violence is, indeed, hurtful to their slaves, but to themselves is fraught with fearful and speedy destruction, if you do not at once make your voice heard, and your authority felt, where both have been so long despised.

All the leading anti-slavery speakers succeeded Brougham—Williams, Lushington, Macintosh, Denman, and Wilberforce—Wilberforce on this occasion opening his lips for the last time in the Parliament House under whose roof he had first pled the cause of the slave forty years before. Canning moved the previous question, and gained a majority. But from this date the doom of slavery was fixed. The sluggish sympathies of thousands whose hearts had not been touched by the wrongs of the slave, were now enkindled for the widow of the Christian pastor, and were, by a natural process, speedily extended

to the down-trodden helots for whose eternal welfare he had laboured and died. A definite issue, too, had been raised by the tragedy—"between the system of the slave law, and the instruction of the negroes." After the death of Smith, and after the excitement attendant upon it was somewhat allayed, the "Court of Policy" petitioned that all missionaries should be expelled the island; they objected to white men addressing niggers as "beloved brethren."

In 1825 Brougham took a leading part in frequent discussions on slavery, and in the following year he called attention to the non-compliance of the colonists with the resolutions of Parliament on the condition of the slaves.

The only further substantial gain which was made on behalf of the slaves ere the dissolution of the last Parliament of George IV., was the appointment of legal functionaries called protectors, in the several islands. In 1827, spite of all opposition, in the case of a negro woman of Berbice, the right of slaves to purchase their freedom at an appraised price was established. Towards the close of the session of 1830, Brougham showed that the negroes were still exposed to cruelties that had been made illegal. The Abolitionists were now so certain of early victory as to justify Brougham in the tone he adopted in these sentences :—

I trust that at length the time is come, when Parliament will no longer bear to be told that slave-owners are the best lawgivers on slavery; no longer suffer our voice to roll across the Atlantic in empty warnings and fruitless orders. Tell me not of rights, talk not of the property of the planter in his slaves. I deny the right. I acknowledge not the property. The principles, the feelings of our common nature rise in rebellion against it. Be the appeal made to the understanding or to the heart, the sentence is the same that rejects it. In

vain you tell me of laws that sanction such a claim. There is a law above all the enactments of human codes—the same throughout the world, the same in all times—such as it was before the daring genius of Columbus pierced the night of ages, and opened to one world the sources of power, wealth, and knowledge ; to another, all unutterable woes ;—such it is at this day : it is the law written by the finger of God on the heart of man ; and by that law, unchangeable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they shall reject with indignation the wild and guilty fantasy that man can hold property in man. In vain you appeal to treaties, to covenants between nations. The covenants of the Almighty, whether the Old Covenant or the New, denounce such unholy pretensions. To those laws did they of old refer, who maintained the African trade. Such treaties did they cite, and not untruly ; for by one shameful compact you bartered the glories of Blenheim for the traffic in blood. Yet, in despite of law and of treaty, that infernal traffic is now destroyed, and its votaries put to death like other pirates. How came this change to pass ? Not, assuredly, by Parliament leading the way ; but the country at length awoke ; the indignation of the people was kindled ; it descended in thunder and smote the traffic, and scattered its guilty profits to the winds. Now, then, let the planters beware—let their Assemblies beware—let the Government at home beware—let the Parliament beware ! The same country is once more awake—awake to the condition of negro slavery ; the same indignation kindles in the bosom of the same people ; the same cloud is gathering that annihilated the Slave Trade ; and if it shall descend again, they on whom its crash may fall, will not be destroyed before I have warned them ; but I pray that their destruction may turn away from us the more terrible judgments of God.

Brougham carried a resolution pledging the next Parliament to consider the question of abolition in its first session ; and his speech had the further effect of creating such an enthusiasm in Yorkshire that an influential body of the freeholders of that premier county invited him to come forward free of expense as a candidate to represent them in Parliament.

When Brougham made the speech, the closing sen-

tences of which we have cited, he was Member for Knaresborough. His patron, the Marquis of Cleveland, supported the Duke of Wellington in his famous declaration against Reform, which gave such an impetus to the popular cause. When this divergence of opinion arose between the Member for Winchelsea and the owner of Winchelsea, Brougham immediately resigned his seat, but was at once, by another arrangement, returned for Knaresborough.

CHAPTER XL

THE REFORM OF THE LAW.

A.D. 1820—1830.

Amelioration of Criminal Law—The Court of Chancery—Felons and their Counsel—Great Speech on Law Reform—Its Proposals—Its Immediate and subsequent Results—Canning's Jocular Criticism of Brougham.

BROUGHAM was the greatest law reformer of his time. The regret which many of his more ardent admirers feel to this day, that he ever permitted himself to be withdrawn from the congenial arena of the House of Commons, and accepted a peerage and the highest judicial office, must be tempered by the very important considerations that, as Chancellor, he purged his court of its long arrears of suits, and that, as chairman of the Upper House, he turned his influence to account by introducing in rapid succession many most beneficial changes in the administration of the laws. Brougham carried more than fifty separate statutes, more than three-fourths of which are of a legal character. He introduced, besides, upwards of fifty other Bills. Large portions of many of these have formed the basis of subsequent legislation, and are incorporated, in whole or in part, in other Acts. Others of them still remain unenacted, but will, doubtless, from time to time, affect legislation yet to come.

In the first years of the reign of George IV., the

Reformers limited their endeavours for the amendment of the law to its criminal department. In the days when Eldon and Ellenborough presided in our supreme courts, our law and equity were such huge, and complicated, and anomalous congeries of wisdom and injustice, that no one had courage to undertake the daring task of improving the fabrics by removing their worse parts. Criminal law was simpler and more definite, its abuses were more easily understood and more directly visible. Considerable ameliorations were effected in our penal code ere the accession of King William. Brougham lent a helping hand to the efforts in this direction of Macintosh and others, but did not attempt to take the lead. He reserved himself for the harder task of commencing the attack on Chancery and the laws affecting property and commercial dealings.

So early as 1820, Macintosh succeeded in having shoplifting to the value of five shillings, poaching by night if the face was not blackened, mutilation of cattle, threatening with death, and personal assaults, removed from the category of capital offences. In the same year, the penalty of hanging was removed from those found guilty of these most extraordinary offences, which up till 1820 were capital: a gipsy for remaining one year in the country, a known thief found in the northern counties, any one who injured or defaced Westminster Bridge, and any person in disguise who was found in the Mint.

In 1823, Macintosh effected other important changes. The assize intelligence showed a frightful increase in the number of executions, and this was in spite of the facts that many juries refused to convict criminals proved guilty

by the most incontestable evidence, and that judges began to "record," not decree, the sentence of death. Macintosh carried a resolution pledging the House to revise the whole criminal code. The Home Secretary, Mr. Peel, shortly afterwards introduced four bills further diminishing the number of capital offences. The same gentleman took, in 1830, another important step in the amelioration of the criminal code. He passed a bill abolishing the punishment of death for forgery, except where official seals, wills, and signatures connected with funds, banks, or promissory notes, were feloniously imitated. Macintosh endeavoured, and successfully in the Commons, to exempt from death all forgers save those who fabricated false wills; but the Peers threw out his amendment.

Brougham acted with his friend in all these movements. In other departments, he almost exclusively appropriated the labour to himself. Mr. (afterwards Judge) Williams was the first to inaugurate the good work. For some time, murmurs, which were sometimes articulated in Parliament, had been rife about estates kept for half a century in Chancery, and even wealthy litigants beggared by successful suits. To all complaints, the invariable answer was—Eldon could do no wrong. But in 1823, Mr. Williams moved for a committee of inquiry. It was denied. He renewed his effort in 1824. In this and the two following years, Brougham entered with vigour into the contest. From time to time he drew attention to the administration of justice in the Court of Chancery, and the cumbrous obstructions which impeded the action of the laws affecting real property. Without dwelling on details, it is sufficient to state that his efforts were quite ineffectual until he himself was seated on the

woolsack; then he exhibited to the world the extraordinary spectacle of a Lord Chancellor reforming his own court, root and branch, and seriously diminishing the emoluments as well as the patronage of his office.

Against the motion of Mr. Williams for a committee to be appointed by Parliament, Peel proposed a Government Commission. The amendment was accepted, and agreed to. During 1825, no report was made; and, at the instigation of Brougham, a provisional return was ordered, of "cases heard during the last eighteen years, wherein decision had not been given." The retrospective term of eighteen years was fixed, for it exactly included the period during which Eldon, for a second time, held the great seal. Eldon waxed very wroth, frowned in his place in the House, and declared to his colleagues that he would throw up his office. They took no other heed of his threat than to request him to hasten the preparation of the report of the commission. Frequent discussions occurred in the interval that still elapsed ere the report was made. In one of them Mr. Hume expressed his opinion that the Chancellor and Chancery constituted the greatest curse that could afflict a country. Disorder ensued, and when it subsided, Mr. Grenfell said—

If his honourable friend had stated that the Lord Chancellor was a curse to the country, he had done that which was not altogether becoming in him, or any other member to do. But if his honourable friend had said that the Court of Chancery was a curse to the country, he had stated that which no man conversant with the subject could deny; it was only stating the current opinion of ninety-nine men out of every hundred.

At last the eagerly expected report appeared. It embraced one hundred and eighty-seven propositions for reform in the constitution and administration of the

court. A Government bill founded upon its recommendations was forthwith brought in, but a dissolution suddenly occurred, and the whole matter was left to be dealt with by Brougham in more favourable times.

Up till this time, felons were not permitted the services of counsel, except to examine and cross-examine witnesses, and to argue points of law ; but they were not allowed to address juries for their clients. Even Blackstone, whose constant tone is one of almost unqualified panegyric on the laws and constitution of England as they existed in his day, thus expresses himself on this point : " It seems to me not at all of a piece with the humane treatment of prisoners by the English law ; for upon what face of reason can that assistance be denied to save the life of a man which is yet allowed him in prosecutions for every petty trespass ? " Mr. George Lamb, the brother of Lord Melbourne, introduced in 1824 and in 1826 measures to remedy this peculiarly gross and unique injustice. On both occasions he had the support of Brougham, but both times he was unsuccessful. In succeeding years, Brougham took up the question himself. He had a " Prisoner's Counsel Bill " introduced into the Lower House, in the sessions of 1834 and 1835. On both occasions Lord Lyndhurst opposed it in the House of Lords, and prevailed upon the Peers to reject the measure. In 1836, his lordship confessed himself a convert to the doctrine, to the reduction of which to practice he had been the only obstacle, and the bill, endorsed with the name of Brougham, became a part of the law of England.

It was in 1828 that the career of Brougham as a zealous law reformer fairly commenced ; and it was in-

augurated by a speech which not only occupies the very first rank among his oratorical efforts, but possesses the extraordinary character and merit of being an almost exhaustive summary of all that has been done towards the amendment of the law from then till the present time, besides containing many proposals, such as that of the establishment of the office of public prosecutor, which have not yet been effected. The speech, which lasted six hours and a-half, was listened to with marked attention; and well it might, for, not to speak of the oratical excellences of many of its periods, it displayed the results of the nicest knowledge and the fullest consideration of the majority of the departments of national law. Among the more important suggestions offered, we may mention these. He urged that judges should be appointed, not on political considerations, but simply in virtue of their legal knowledge and judicial aptitude. Not until the accession of the speaker himself to the highest judicial office, was this recommendation reduced to practice; in the first instance by Lord Lyndhurst's appointment by the Reform Ministry, to the office of Lord Chief Baron of the Exchequer. Lord Cranworth, when he became Chancellor, most rigorously adopted this course, and appointed three or four Tory lawyers—Bramwell, Willes, and others—to judicial offices. The Tories followed this example, if in no other instance, at least in the appointment of Mr. Erle to the bench.

Another important suggestion of Mr. Brougham was, that in all actions on bills of exchange, bonds, and other commercial securities, the burden of proof should be thrown on the defendant, so as to save needless and vexatious expense and annoyance in cases where there

was no ground of defence. It was not until 1855 that this reform was effected by the Bills of Exchange Act, in which was consolidated all the law affecting this important class of actions. He strongly urged the extension and enlargement of the law of arbitration, so as to save much needless litigation in the superior courts, and the establishment of "Courts of Reconcilement"—analogous to the valuable French tribunals presided over by the "Juges de Paix." He attacked the sacred stronghold of the special pleaders, urging that the barbarous and obsolete jargon of pleas, replications, and rejoinders should be simplified; and that every pleading should be made to contain only arguments that embodied the actual positions intended to be relied on by litigants and their advocates. He dwelt on the necessity of a public prosecutor. Here, as in many other instances, he turned his acquaintance with the law of Scotland into account. In fact, many of the legal reforms which he effected were simply engraftings upon English legal practice of arrangements which prevail in the simpler and more logical administration of law in Brougham's native country. He proposed that parties should be examined as witnesses in their own causes. We need not say that this suggestion has for some time been part of English law; but it was not until twenty-three years after Brougham's great 1828 speech that it was enacted. Again, he suggested the establishment of a public depository, where testators might lodge their wills in their lifetime. This was carried into effect by the Probate Bill of 1857. But we have yet to wait for the adoption of a further excellent proposal of Brougham's in this speech—that the Legislature should issue a plain, legal formula, in which

the most unlearned could draw up their wills, with the assured knowledge that there could be no post-mortuary dispute or litigation as to their intentions in the disposal of their effects.

One of the suggestions of the speech was for the establishment of local tribunals for the trial of cases which involved a small amount of money—in other words, for the establishment of what we now know as County Courts. Towards the close of the Session of 1830, Brougham brought forward a bill with this intent. He dwelt on the ruinous expenses of suits, contrasting favourably the case of Scotland. He earnestly pleaded for the poor man, and for the establishment of tribunals where he might recover small sums of money owing to him. He would be content, he said, with an experimental measure, proposing to establish local courts in the counties of Kent, Durham, and Northumberland ; but he was unsuccessful. It was reserved for Lord Brougham to obtain for the middle classes of the community the great and inestimable boon which Mr. Brougham failed to gain in the unreformed Parliament.

After the body of the speech, which was entirely concerned with these and similar details, Brougham illustrated his arguments with this fine and appropriate metaphor :—

The great stream of time is perpetually flowing on, all things around us are in ceaseless motion ; and we vainly imagine to preserve our relative position among them by flying out of the current, and standing stock-still on the margin. The stately vessel we belong to glides down ; our barque is attached to it ; we might “pursue the triumph and partake the gale ;” but, worse than the fool who stares, expecting the current to flow down and run out, we exclaim, “Stop the boat !” and would tear it away to strand it, for the sake of

preserving its connection with the vessel. All the changes that are hourly and gently going on in spite of us, and all those which we ought to make, that violent severances of settled relations may not be effected, far from exciting murmurs of discontent, ought to be gladly hailed as dispensations of a bountiful Providence, instead of filling us with a thoughtless and preposterous alarm.

The following sentences concluded this great and historically important speech :—

In pursuing the course which I now invite you to enter upon, I avow that I look for the co-operation of the King's Government ; and on what are my hopes founded ? Men gather not grapes from thorns, nor figs from thistles ; but that the vine should no longer yield its wonted fruit, that the fig-tree should refuse its natural increase, required a miracle to strike it with barrenness. . . . The course is clear before us ; the race is glorious to run. You have the power of sending your name down through all times illustrated by deeds of higher fame and more useful import than were ever done within these walls. You saw the greatest warrior of the age—conqueror of Italy, humbler of Germany, and terror of the North—saw him account all his matchless victories poor compared with the triumph you are now in a condition to win—saw him condemn the fickleness of fortune while, in despite of her, he could pronounce his memorable boast, “ I shall go down to posterity with the code in my hand.” You have vanquished him in the field ; strive now to rival him in the sacred arts of peace. Outstrip him as a lawgiver whom in arms you overcame. The lustre of the Regency will be eclipsed by the more solid and enduring splendour of the reign. The praises which false courtiers feigned for our Edwards and Harries—the Justinians of their day—will be the just tribute of the wise and the good to that monarch under whose sway so mighty an undertaking will be accomplished. Of a truth, sceptres are most chiefly to be envied for that they bestow the power of thus conquering and thus ruling. It was the boast of Augustus—it formed part of the glare in which the perfidies of his earlier years were lost—that he found Rome of brick and left it of marble ; a praise not unworthy of a great prince, and to which the present reign has its claims also.

But how much nobler will be our sovereign's boast, when he shall have to say that he found law dear and left it cheap—found it a sealed

book, left it a living letter—found it the patrimony of the rich, left it the inheritance of the poor—found it the two-edged sword of craft and oppression, left it the staff of honesty and the shield of innocence.

Brougham concluded by moving for the appointment of a commission "to inquire into the defects occasioned by time and other causes in the laws of this realm, and into the measures necessary for removing the same." The Government supported the motion, and had it made more definite by appointing two commissions to investigate respectively the common law and the law of real property. Among the first results of their deliberations, were the abolition of the separate judicature of Wales, and the union, for judicial purposes, of the Principality with England; the abolition of the needless Scottish Commissary and Admiralty Courts; and the increase of the number of the English judges from twelve to fifteen. An indirect effect of the reforming spirit which Brougham's enthusiasm had inspired was the degradation from his office of an Irish judge who had been proved guilty of malversation.

One especial merit of the position which Brougham had taken up, it would be a serious error not to specify. This so strongly-expressed desire to cheapen and simplify law, and to decrease the number of suits, was a direct blow against the interests of the attornies, a class to whom advocates, even of the first eminence, stand in a certain relation of dependence. An old lawyer only expressed the common exasperation of his profession, which it needed considerable temerity to dare, when he said, "There was never such a nuisance as this man."

Parliament itself felt considerably annoyed and pestered by the way in which Brougham made common

cause with the several bands of Reformers in every conceivable field where Reform was demanded — foreign policy, education, slavery, law reform, criminal law amelioration, the emancipation of the Catholics and Dissenters, Reform of the representation, and fiscal economy. Canning, about this time, thus humorously gave expression to the perturbed and fidgety condition of a large number of his fellow-legislators :—

The honourable and learned gentleman, having, in the course of his Parliamentary life, supported or proposed almost every species of innovation which could be practised on the Constitution, it was not easy for Ministers to do anything without seeming to borrow from him. Break away in what direction they would, whether to the right or to the left, it was all alike. “Oh!” said the honourable gentleman, “I was there before you; you would not have thought of that if I had not given you a hint.” In the reign of Queen Anne there was a sage and grave critic of the name of Dennis, who, in his old age, got it into his head that he had written all the good plays which were acted at that time. At last a tragedy came forth with a most imposing display of hail and thunder. At the first peal Dennis exclaimed, “That is my thunder!” So with the honourable and learned gentleman, there was no noise astir for the good of mankind, in any part of the world, but he instantly claimed it for his thunder.

CHAPTER XII.

PARLIAMENTARY REFORM AND CATHOLIC EMANCIPATION.

A.D. 1820—1830.

Lord John Russell's Endeavours for the Disfranchisement of Rotten Boroughs—"The Constitutional Association"—Strenuous Revival of the Movement for Catholic Emancipation—Scene between Brougham and Canning—Catholic Emancipation ; Progress of the Cause — Repeal of the Test and Corporation Acts — Catholic Emancipation carried—Progress of the Reform Question.

BROUGHAM was commander of the assailing forces in the agitations for law reform and education, and against slavery. On those political questions which possessed a large amount of Parliamentary prominence, and in which the two great parties were ranged on opposite sides, he fell into the ranks, although still occupying a leading place. On Catholic Emancipation he fought under the leadership of Plunket and Canning—even Burdett ; he seconded the efforts of Lord John Russell for the disfranchisement of corrupt boroughs, and the transfer of their members to the large towns of the North ; and he warmly supported the efforts of Vansittart, Huskisson, and Robinson for financial retrenchment, the destruction of the artificial trammels which, on the pretence of protecting, fettered trade, and the cheapening of the people's food.

In 1820 Lord John Russell made his first attempt in

the direction of Parliamentary Reform, in which he received the support of Brougham. His bill to disfranchise four of the rottenest of boroughs (one being Camelford, Brougham's first seat), was thrown out by the Lords. Next year, although his series of resolutions on the state of the representation was rejected by a large majority, he was successful in carrying through both Houses his bill for the disfranchisement of Grampound. In the same year, Brougham brought a somewhat important matter before Parliament. An organisation, entitled itself the Constitutional Association, had been established. Its object was the maintenance of existing corruptions, and the prevention of further concessions to popular requirements. It was chiefly composed of bishops, noblemen, members of Parliament, and clergymen—all of the true blue Sidmouth and Eldon type. Its principal occupation was the prosecution of printers and writers who, in the opinion of the rabid Tories who composed the society, had gone to "licentious" extremes in what they published and promulgated. Failing to coerce or frighten such combatants in the cause of free speech as Hone and Carlile, it nevertheless procured convictions against many of the more timid class of vendors, and frightened many more into submission. All this was most unconstitutional in spirit, if not legally; especially as so many members of the prosecuting body were themselves members of the highest judicial tribunal in the land. Brougham called the attention of the Government to the facts, and would have gone on to take the opinion of Parliament as to the legality of the proceedings, had not the association itself quietly dissolved.

In this year (1821) Plunket, on whom, after the death of Grattan the year before, the leadership of the Catholic Emancipation had devolved, obtained, by a narrow majority, the first victory gained on the question in the House of Commons. Although the third reading of his bill was only carried by a majority of thirteen, almost every man of recognised intellect voted with him. The Lords threw it out, encouraged in their obstructiveness by the Duke of York's declaration that he and his royal brother were of the same opinion as their bigoted father had been. This did not affright the advocates of emancipation, although they had always been put off by the Tories previously to the death of George IV., on the plausible plea that they had only to wait the King's death, which could not be long delayed, for the enactment of their desire.

In 1823 Mr. Canning was Foreign Secretary. Although he had emphatically declared that he had not accepted office until a distinct understanding was come to that he was to be free as ever to advocate the Catholic claims—in other words, that the question was to be “open” in the cabinet—he was, nevertheless, virulently attacked for taking office in an administration, the majority of the members of which were on the intolerant side. Burdett and Tierney in succession accused him in strong language of faithlessness to his previous declarations. Brougham rose, and pressed the charge in a speech of tremendous invective, winding up by saying that Mr. Canning “had been guilty of the most monstrous truckling for office that the whole history of political tergiversation could present.” This was a most unhandsome and ungenerous accusation, which, however, was amply atoned for by the

hearty support which, as we have already seen, he gave to Canning's general policy. When Brougham sat down, with these words still ringing through the House, Canning started up, and emphatically said, "It is false." Dead silence ensued, for all believed that only one result could spring from the lie being given so unequivocally. The Speaker rose, and called, first upon Canning, and then upon Brougham, to retract what they had said. They both refused. Certain explanations, however, were given by Brougham, and he was at last induced to withdraw the charge. Canning expressed himself satisfied, and the affair passed over.

Shortly after this occurrence Mr. Canning uttered a manly and affecting speech, which for ever set at rest any lurking suspicions of his infidelity to the cause of the Catholics. He said—

I have shown that, in the year 1812, I refused office rather than enter into an administration pledged against the Catholic question. I did this at a time when office would have been dearer to me than at any other period of my political life—when I would have given ten years of life for two years of office, not for any sordid or selfish purpose of aggrandisement, but for other and higher views. But is this the only sacrifice I have made to the Catholic cause? From the earliest dawn of my public life—ay, from the first visions of political ambition, that ambition has been directed to one object above all others. Before that object all others vanished into comparative insignificance. It was desirable to me, beyond all the blandishments of power, beyond all the rewards and favours of the Crown. That object was, to represent in this House the university in which I was educated. I had a fair chance of accomplishing this object when the Catholic question crossed my way. I was warned, fairly and kindly warned, that my adoption of that cause would blast my prospects. I adhered to the Catholic cause, and forfeited all my long-cherished hopes and expectations. And yet I am told that I have made no sacrifice! that I have postponed the cause of the Catholics to views and interests of my own! The

representation of the university has fallen into worthier hands. I rejoice with my honourable friend (Mr. Peel) near me, in the high honour which he has obtained ; long may he enjoy the distinction ; and long may it prove a source of reciprocal pride to our parent university and to himself. Never till this hour have I stated, either in public or private, the extent of this irretrievable sacrifice ; but I have felt it not the less deeply. It is past, and I shall speak of it no more.

In 1824 the agitation was vigorously continued. The Duke of Norfolk, by a special bill, was exempted from the oath of supremacy, and permitted to execute the duties of his hereditary office of Earl Marshal. In the same year O'Connell brought his powerful organisation into existence, and by its instrumentality levied a systematic tax through all Ireland. The King's speech in 1825 contained strong expressions against associations which had "adopted proceedings irreconcilable with the spirit of the constitution." O'Connell, just victorious over the Government at his trial for sedition, came over at the head of a deputation, and, through Mr. Brougham, demanded to be heard at the bar of the House. The House refused to recognise the association and its spokesman, and a bill to put down "illegal" associations was carried by large majorities. O'Connell, true to his principle of never over-stepping the law, at once dissolved his organisation ; but continued to wield the same or augmented power through the priesthood, who made their altars the tribunes of his agitation.

In 1825 the emancipationists carried another bill through the Commons, only to be again beaten in the House of Lords. The Duke of York again spoke emphatically on the bigoted side, and rejoiced the hearts of universal Torydom.

In 1826 Parliament was dissolved, and the elections turned very much on the views of candidates on the Catholic question. Catholic emancipation never was, through all the struggle, a popular cry ; indeed, on this question the Parliament was much a-head of the people. The clergy and the country gentlemen put forth all their powers, and the new Parliament proved more illiberal than the last. The first division on the question turned against the emancipationists. Meanwhile, Lord Liverpool was struck with apoplexy, and Canning became Prime Minister. The bigots left the Ministry in a body, and Canning filled up their places with such men as Lords Lyndhurst, Bexley (Mr. Vansittart), Dudley, and Anglesea. The newly-constituted Ministry was treated with great forbearance by the Opposition—the important exception of the great Whig families being allowed. Brougham, with Tierney, Burdett, and Sir Robert Wilson, took his seat behind the Ministerial bench. Ere the summer was past, Canning was dead ; and before Parliament re-assembled, the few weeks of the Premiership of Lord Goderich had passed, and the Duke of Wellington was at the head of a Ministry, most of whom were unfavourable to the Catholic claims. Early in the Session the repeal of the Test and Corporation Acts—the last stigmas and restraints upon Protestant Nonconformists—was carried. Lord John Russell had the honour of abolishing this remnant of the persecuting policy of the restored Stuarts. Brougham took part in the debates which occurred in the successive stages of the bill. This point settled, Burdett re-introduced the Catholic question. The Commons, by a majority of six, reversed their decision of the preceding year, and held a “conference” with the

members of the Upper House. Just before the close of the session, the famous Clare election occurred ; O'Connell was elected a Member of Parliament. In the recess agitation was vigorously conducted on both sides, and the Ministry began to show certain signs of yielding. The King's speech, at the opening of the session of 1829, proved that Ministers had at last made up their minds that they could no longer hold out. On the 5th of March, Peel introduced the last bill for Catholic emancipation. It was carried, amidst great excitement, by large majorities ; the Whig veterans in the cause taking but little part—it was needless—in the discussions. Early in April the bill had been passed by the Lords. The King sulkily gave his assent, grumbling (so Lord Eldon tells us) “at being deserted by an aristocracy that had supported his father”—“everything was revolutionary—everything was tending to revolution, and the peers and the aristocracy were giving way to it.” Before His Majesty penned the irrevocable signature, he had declared —“If I do give my consent, I'll go to the baths abroad, and from thence to Hanover ; I'll return no more to England ; let them get a Catholic king in Clarence or Sussex.” And His Majesty was so affected that he shed tears, and when Eldon was going away, the bloated voluptuary flung his arms round the astonished quondam keeper of his royal conscience, and “expressed great misery.” Strange it is that no historical painter or lodge of Orangemen has yet selected this affecting scene as the subject of a picture. A few days after the King's “great misery,” he appended the Royal sign-manual, and afterwards avenged himself by showing marked incivility to his Ministers in public. He went and drowned his grief

in the Elysian delights and chaste companionships of his "Cottage" at Windsor. After emancipation was carried, Brougham said, he "regarded it as proclamation sent through His Majesty's dominions that religious discord should be no more."

The bill had been carried on a kind of understanding that a complementary measure should be afterwards introduced to raise the standard of the franchise in Ireland from forty shillings to ten pounds, the plea being that thus the dangers of the new powers given to the Catholics would be to some extent neutralised by the exclusion of the poorer class of voters. The great majority of the Whigs did not oppose the bill when introduced; O'Connell, to his great discredit, kept silent on the subject. The only men of any weight who opposed the bill were Lord Palmerston, Huskisson, and Brougham, who characterised it as "the almost extravagant price of the inestimable good." The disfranchising measure passed both Houses by large majorities. O'Connell now claimed to be sworn in as member for Clare. On the motion of Mr. Brougham, he was heard (but at the bar of the House) in support of his pretensions; but the House decided that he could not sit, having been elected ere the emancipation bill passed, except he took the oath of supremacy in its old form. He, of course, declined to do this, and had again to seek the suffrages of his constituents. This was the last of the Catholic question; the period, according to Lord Eldon, when "the sun of England set for ever!"

In the early part of the session of 1830, the cause of Parliamentary Reform, which had been steadily progressing in the country since the period of the dis-

franchisement of Grampound on the motion of Lord John Russell, was sensibly advanced. The Tory Marquis of Blandford had moved the year before two resolutions, based on his conviction that the "borough-market" had better be closed now that Catholics might be buyers. This year he proposed an amendment to the Address, which contained, he said, "a wholesome admonition to the Throne." His "admonition" dwelt on the distress that prevailed in the country and the danger that threatened our ancient institutions. All arose from borough-mongering, and the heavy taxation imposed by borough-mongers; the only remedy was radical reform of the representation. Some of the radicals voted with this eccentric nobleman; the Whigs preferred a more reliable leader. Some time previously, Lord John Russell had proposed the transfer of the seats held by East Retford to Birmingham. A speech of Mr. Huskisson in support of the motion, is noteworthy as containing the first public reference to the existence of the Birmingham Political Union. Lord John was defeated, and was again unsuccessful when he brought in a larger measure, for giving members to Manchester, Birmingham, and Leeds. O'Connell was equally unsuccessful in his attempt to obtain leave for the introduction of a bill for universal suffrage, triennial Parliaments, and the ballot. But the great promoter of the cause of Reform in this year was the Duke of Newcastle, who, when some one in the House of Lords hinted that such places as his nomination borough of Newark ought to have some share in the choice of their representatives, exclaimed in indignant amazement, "May I not do what I will with mine own?" This egregiously audacious utterance, more than

any other occurrence, awakened the zeal of the people of England. They had very shortly after an opportunity of expressing at a general election their wishes about Reform ; for in the midst of the summer George IV. died, and a king believed to be friendly to the people reigned in his stead.

CHAPTER XIII.

THE REFORM BILL.

A.D. 1830—1832.

The Year 1830, an epoch in English History, and in Brougham's Career—His Popularity at its Height—Elected for Yorkshire—His Reform Measure—The Grey Ministry—Brougham Lord Chancellor—The First Reform Bill—Thrown Out by the Peers—The Parliament Dissolved—The Second Reform Bill—Great Speech of Brougham—Eulogium on the Middle Classes—Proposed Creation of Peers—The Reform Bill becomes Law.

THE year 1830 is a definite line of demarcation in the political history of England. No less signally does it mark an epoch in the career of Brougham. From 1830 we trace the course of thorough *Reform* in all the departments of the State and of policy ; the ten previous years having constituted the period of what we may call progressive Conservatism. The Reform Bill was but the prelude—the changes it caused but the means—of a long series of further reforms. It marked an era in respect of its direct effects ; it was also the commencement of a radical change in the whole plan of our legislation, and the nature of our public life.

The year 1830 changed Harry Brougham into Baron Brougham and Vaux. While admission into the hereditary order of nobility is in England the appropriate and merited reward of certain classes of services rendered to the State, and, at the same time, the expedient by

which the State turns the continuance of these services to more effective account, the honour is to its recipient, in the majority of cases, attended with very heavy penalties. In no case more than that of Brougham were such penalties sooner enforced or more painfully endured. It is but natural that the commonalty should entertain an immediate regret and jealousy when a man recognised by them as their very Tribune, is withdrawn from their own order and its sympathies, and by an instantaneous act of the favour of a Court admitted into that body which is regarded as the compact antagonist of those claims for the possession of which the people and their Tribunes strive. Brougham had been lifted up, step by step, to the very pinnacle of popularity. Already popular before 1820, public admiration had risen to the most unqualified enthusiasm while the Queen was on her trial; and in the interval of years between the death of the consort and the death of her cruel spouse, Brougham had become still more emphatically every year the most prominent and most popular man in England. At the point in our narrative at which we have now arrived, his popularity culminated. On its height he stood but for a short time. A variety of causes co-operated to make him specially singled out as the chief object of the disappointment which the acts of the Whigs, subsequently to their passing of the Reform Bill, evoked. His downfall in popular esteem was tenfold more rapid than had been his rise, and tenfold more rapid than that restoration of the calm approbation of the public which a dispassionate sense of justice produced—but which, to the once idol of the homes of the empire, was but a poor substitute for the enthusiastic

admiration of his earlier days. We have thus indicated in a few sentences the fluctuations of Brougham's public position during the years we have now to chronicle. The events comprised within them are so important and so numerous as to compel us not only to dispense at each stage with the obtrusion of our own opinions and comments, but to content ourselves with a very brief and rapid survey of these events only as they directly bore upon Brougham. We do no more than we have a fair right to do, when we presuppose on the part of the reader a general acquaintance with the leading events of the final Reform struggle and the triumph of the Reformers.

William IV., liberal though he had been esteemed, retained his brother's Tory Ministers. When routine business had been transacted, the dissolution of Parliament, which constitutionally succeeds the death of every sovereign, occurred. The hustings' cry was "Reform!" The people were thoroughly in earnest on the subject. The recent Revolution in Paris, and the sister movements in other parts of Europe, greatly increased the enthusiasm. It was remembered that Wellington was the friend of Polignac, and there was a general desire to oust from office the friend of the despotic minister of the bigoted Bourbon. Almost every large constituency sent Reformers. The Tories had endeavoured to effect a coalition with the Canningites. With this view an interview had been brought about between Wellington and Huskisson, at the opening of the Liverpool and Manchester Railway. Huskisson, already near his natural death, was killed by being run over by a locomotive. The negotiation proved unsuccessful, when

overtures were made to other Canningites. The Canningites coalesced with the Whigs, furnishing to the Ministry which they were soon in unison to form, such valuable aid as that represented by the names of Melbourne, Palmerston, and Glenelg. By the Conservatives of the opposite pole, too—the bigoted Eldonites—Ministers were deserted. The boroughs under their control sent members to sit on the benches of the Opposition. A large requisition, signed by many thousands of freeholders, had been sent to Brougham, inviting him to stand for the county of York. He accepted, and was returned triumphantly and free of expense, second only to Lord Morpeth, who headed the poll. When the House met, it was clear that there was a large majority against Ministers.

Brougham, as member for Yorkshire, represented the premier constituency of the land; at what value he estimated the honour of his position, was made manifest by many expressions of manly and touching regret which fell from his lips after he was for ever removed from the stirring life of the House of Commons. He rose to the responsibilities of his situation. The King's speech, which contained no allusion to Reform, and was unsatisfactory in general respects, was succeeded by this memorable declaration of Wellington:—

I am fully convinced that the country possesses at the present moment a legislature which answers all the good purposes of legislation, and that to a greater degree than any legislature of any age or any country whatever. I am, therefore, not only not prepared to bring forward any measure of the description alluded to by the noble lord, but I will at once declare that, as far as I am concerned, and as long as I hold any station in the government of the country, I shall feel it my duty to resist such measures when proposed by others.

This emphatic and, it must be allowed, honest statement, was just what the Reformers desired. It was the knell of the Ministry, and it furnished that definite obstruction which is so serviceable for the concentration of the efforts of any class of reformers. On the very same night Brougham gave notice that he would introduce a motion on Parliamentary Reform in a fortnight afterwards, on the 15th of November. The night before his motion was to have come on, Sir Henry Parnell defeated Ministers on a question connected with the Civil List. Ministers, in fear rather of the shadow of the next day, than of the defeat of this, at once announced their intention of resigning. Brougham was at once asked if he would persist with his motion. He had brought it forward independently, but with the tacit sanction of the Whig leaders. In reply to the inquiry he said that he would do no more than postpone his motion, and used certain expressions which were construed into a declaration that he still retained his entire freedom of action, for whatever the appointments which Lord Grey would make, he said he had no expectation of being included in them. We are indebted to Mr. Roebuck—who, again, is indebted to Brougham himself for the facts he has published in his "History of the Whig Ministry"—for an abstract of the proposals which Brougham would have moved had his motion come on. And we reproduce them as furnishing the best rebutment of the allegations so frequently made in after years—allegations acquiesced in and encouraged by his former ministerial colleagues—that he opposed himself, in the deliberations of the Cabinet, to the extent of the measure of Reform which the other Ministers

advocated. He would have reduced the aggregate number of representatives to five hundred. The representation of Scotland was to stand as it was, but the number of Irish members to be reduced. The franchise to be extended to all copyholders and leaseholders, and to all householders in boroughs. All the large commercial towns to have members, and each rotten or nominative borough to be mulcted of one of its two representatives.

It was in a short time announced that Earl Grey was Premier. His Ministry was composed of Whigs and Canningites. To the surprise of the whole land, Brougham was Chancellor, and he took his seat on the woolsack the day before his patent was made out. The secrets of the negotiation that thus resulted are yet unknown. Some say that Grey sent Brougham a letter offering him the office of Attorney General, and that Brougham's only reply was at once to tear up the missive. Probably the explanation of Mr. Roebuck will hereafter, when the full evidence is known, turn out correct. He believes that Brougham, against his personal inclination, accepted the Chancellorship because to have refused would have paralysed the party, for ever separated him and them, and removed all chance of his future usefulness; and that Grey offered the post, also much against the inclination of himself and the Whig nobles, but simply because it was impossible to leave Brougham out, and he would not accept any less important office.

Reserving reference of other characteristics of Brougham's new position, and the account he turned it to, we proceed briefly to record the progress of the Reform struggle.

Early in February, 1831, Parliament reassembled. Parliamentary Reform was announced to be the chief Cabinet measure. On the 1st of March, Lord John Russell introduced the bill. The number of members was to be reduced to 596. The suffrage was to be extended. There was to be an extensive redistribution of seats. In a word, the principle of the bill was to substitute Representation for Nomination. After seven nights of debate, and seventy speeches, leave was granted to introduce the bill. Meanwhile, meetings were held in all parts of the country. With a singular and admirable unanimity, the cry that was never remitted during the whole of the agitation was taken up—"The bill, the whole bill, and nothing but the bill!" The unanimity was admirable, for probably those who most vigorously maintained the cry, were those who were most dissatisfied with the shortcomings of the measure. The second reading was only carried by a majority of one. The severed sections of Toryism had closed their ranks to resist the common aggression, and again presented an undivided front. In committee, Ministers were defeated on the weak point of their measure—the reduction of the aggregate number of members. Resign or dissolve was now the choice left them. They chose the latter alternative. The difficulty now was to induce the King to exercise his prerogative. Upon Brougham and Grey devolved the arduous and delicate task. They waited upon His Majesty, and represented what they required. The King exclaimed that it was impossible to dissolve a so recently-elected Parliament, one especially which had shown such loyalty and kindness in the provision made for himself and the Queen. This obstacle was overcome, but he continued to

raise petty objections. His Ministers wished him to accompany them at once to perform the duty. The King said this could not be, for nothing was prepared for the ceremony. The officers of State had not been summoned. The Chancellor replied that he had been so bold as to venture to request them, in the King's name, to be in readiness. At this the King was very angry, but went on to urge that the crown and robes had not been sent for. This difficulty had been also anticipated and obviated by the daring Chancellor. "But the guards, the troops." Brougham had also ordered them out. "What! did his lordship know that he had, in this act, been guilty of high treason!" "Yes; but confiding in the well-known affection entertained by His Majesty for his subjects, he had ventured even upon this step, believing that His Majesty would acknowledge it to be for the common weal that the people should be appealed to without delay." Even now that the King had no longer a single objection to urge, it is said by some he remained sullen and displeased; but, hearing that the Peers had in the morning met to vote an address urging him not to dissolve, thus insolently interfering with the exercise of his prerogative, he at once resolved to vindicate his rights, and suddenly said, "Send for a hackney coach!" But this incident is denied by Mr. Roebuck.

Meanwhile, both Houses were in such a frenzy as had never been before known, the Tories being incensed at the prospect of dissolution. In the Commons, even the self-possessed Peel lost all self-command, and raved so, that his friends pulled him back into his seat. A similar turmoil agitated the Lords when Brougham entered, and said in a loud, emphatic, and angry tone, "I never yet

heard that the Crown ought not to dissolve Parliament whenever it thought fit, particularly at a moment when the House of Commons had thought fit to take the extreme and unprecedented step of stopping the supplies." This course had been projected by some of the more ardent Reformers. These words had just passed his lips, when the boom of cannon, followed by a cry of "The King! the King!" announced the entrance of the sovereign. The turbulent Peers took their seats, the Commons were summoned, and Parliament was dissolved.

The elections proved "almost the annihilation of the Tories." Parliament met in June, and Lord John Russell introduced his second bill. Its second reading was carried by the decisive majority of 130. On the 22nd of September, it finally passed; no important alteration had been made in its provisions save the introduction of the Chandos clause, giving votes to tenants-at-will paying a rental of fifty pounds and upwards. It was supported by the Radicals, as being a further enlargement of the suffrage, and by the Tories, because they correctly foresaw that its operation would enable them considerably to counteract the liberal effects of the measure.

The second reading in the Lords was moved by Earl Grey on the 3rd of October. On the fifth night of debate, the Lord Chancellor delivered what was, probably, his greatest speech. Passages of it, and its general plan and structure, may have been prepared beforehand. But the majority of its periods were either unprepared, or the results of only partial preparation, for its major part consists of a review of the arguments of the Tory speakers who had preceded him. This was the last of

Brougham's really great oratorical displays—we mean, within the walls of Parliament; the last of those on which his claim to be ranked with the great orators of ancient Greece and modern England rests. It is the last from which we shall make citations at considerable length.

A noble lord, a friend of mine, whose honesty and frankness stamps all he says with still greater value than it derives from mere talent, would have you believe that all the petitions under which your table now groans are, indeed, for Reform, but not for this bill, which he actually says the people dislike. Now, is not this a droll way for the people to act, if we are to take my noble friend's statement as true? First of all, it is an odd time they have taken to petition for Reform, if they do not like this bill. I should say that if they petition for Reform whilst this particular measure is passing through the House, it is a proof that the bill contains the Reform they want. Surely, when I see the good men of this country—the intelligent and industrious classes of the community—now coming forward, not by thousands, but by hundreds of thousands, I can infer nothing from their conduct but that this is the bill, and the only bill, for which they petition. . . . The proposition of my noble friend is, that they love Reform in general, but hate this particular plan; and the proof of it is this, that their petitions all pray earnestly for this particular plan, and say not a word of general reform. Highly as I prize the integrity of my noble friend, much as I may admire his good sense on other occasions, I must say that on this occasion I descry not his better judgment; and I estimate how far he is a safe guide, either as a witness to facts, or as a judge of measures, by his success in the present instance. In either capacity, I cannot hesitate in recommending your lordships not to follow him. As a witness to facts, never was failure more complete. The bill, said he, has no friends anywhere; and he mentioned Bond Street as one of his walks, where he could not enter a shop without finding its enemies abound. No sooner had Bond Street escaped his lips, than up comes a petition to your lordships from nearly all its shopkeepers, affirming that their sentiments have been misrepresented, for they are all champions of the bill. My noble friend then says, "Oh, I did not mean the shopkeepers of Bond Street in particular; I might have said any other street, as St. James's,


equally." No sooner does that unfortunate declaration get abroad, than the shopkeepers of St. James's Street are up in arms, and forth comes a petition similar to that from Bond Street. My noble friend is descried moving through Regent Street, and away scamper all the inhabitants, fancying that he is in quest of anti-Reformers, to sign a requisition to the churchwardens, and the householders, one and all, declare themselves friendly to the bill. Whither shall he go?—what street shall he enter?—in what alley shall he take refuge, since the inhabitants of every street, and lane, and alley, feel it necessary, in self-defence, to become signers and petitioners as soon as he makes his appearance among them? If, harassed by Reformers on land, my noble friend goes down to the water, the thousand Reformers greet him whose petition (Lambeth) I this day presented to your lordships. If he were to get into a hackney-coach, the very coachmen and their attendants would feel it their duty to assemble and petition. Wherever there is a street, an alley, a passage—nay, a river, a wherry, or a hackney-coach—these, because inhabited, become forbidden and tabooed to my noble friend. I may meet him, not on "the accustomed hill," for Hay Hill, though short, has some houses on its slope, but on the south side of Berkeley Square, wandering "remote, unfriended, melancholy, slow"—for there he finds a street without a single inhabitant, and, therefore, without a single friend of the bill. If, in despair, he shall flee from the town to seek the solitude of the country, still will he be pursued by cries of "Petition, petition! The bill, the bill!" His flight will be through villages placarded with "the bill;" his repose at inns holden by landlords who will present him with "the bill;" he will be served by Reformers in the guise of waiters; pay tribute at gates where petitions lie for signing; and plunge into his own domains to be overwhelmed with the Sheffield petition, signed by 104,000 friends of the bill.

There was in Brougham's nature no conciliatory element. There is no exaggeration in saying that, while Chancellor, he actually bullied the Lords. Some courage was requisite for the utterance of the following eulogium upon the middle classes, and the so favourable comparison of them with the opulent and haughty men he was addressing:—

If there is the mob, there is the people also. I speak now of the middle classes—of those hundreds of thousands of respectable persons—the most numerous and by far the most wealthy order in the community; for if all your lordships' castles, manors, rights of warren, and rights of chase, with all your broad acres, were brought to the hammer, and sold at fifty years' purchase, the price would fly up and kick the beam when counterpoised by the vast and solid riches of these middle classes, who are also the genuine depositaries of sober, rational, intelligent, and honest English feeling. Unable though they be to round a period or point an epigram, they are solid, right-judging men, and, above all, not given to change. If they have a fault, it is that error on the right side—a suspicion of state quacks—a dogged love of existing institutions—a perfect contempt of all political nostrums. They will neither be led astray by false reasoning, nor deluded by impudent flattery; but so neither will they be scared by classical quotations, nor brow-beaten by fine sentences; and, as for an epigram, they care as little for it as they do for a cannon-ball. Grave, intelligent, rational, fond of thinking for themselves, they consider a subject long before they make up their minds on it; and the opinions they are thus slow to form, they are not swift to abandon.

Not less courageous was this open declaration that he had made a personal sacrifice when he consented to be ennobled:

There are those who even within these walls speak of the bill augmenting so much the strength of the democracy as to endanger the other orders of the State; and so they charge its authors with promoting anarchy and rapine. Why, my lords, have its authors nothing to fear from democratic spoliation? The fact is, that there are members of the present Cabinet who possess, one or two of them alone, far more property than any two administrations within my recollection, and all of them have ample wealth. I need hardly say I include not myself, who have little or none. But even of myself, I will say, that whatever I have depends on the stability of existing institutions; and it is as dear to me as the princely possessions of any amongst you. Permit me to say that, in becoming a member of your House, I staked my all in the aristocratic institutions of the State. I abandoned certain wealth, a large income, and much real power in the State, for an office of great trouble, heavy responsibility, and very uncertain duration. I say, I gave up substantial power for



the shadow of it, and for distinction depending upon accident. I quitted the elevated station of representative for Yorkshire, and a leading member of the Commons—I descended from a position quite lofty enough to gratify any man's ambition; and my lot became bound up in the stability of this House. Then have I not a right to throw myself on your justice to desire that you will not put in jeopardy all I have now left?

After still further, and at great length, defending the bill from the charge of its being a revolutionary measure, he dwelt in his peroration upon the urgent necessity of making the concession, that revolution and all its attendant ills and horrors might be avoided:

My lords, I do not disguise the intense solicitude which I feel for the event of this debate, because I know full well that the peace of the country is involved in the issue. I cannot look without dismay at the rejection of the measure. But grievous as may be the consequences of a temporary defeat—temporary it can only be; for its ultimate, and even speedy success is certain, nothing can now stop it—do not suffer yourselves to be persuaded that, even if the present Ministers were driven from the helm, any one can steer you through the troubles that surround you, without Reform. But our successors would take up the task in circumstances far less auspicious. Under them, you would be fain to grant a bill, compared with which the one we now proffer you is moderate indeed. Hear the parable of the Sybil, for it conveys a wise and wholesome moral. She now appears at your gate, and offers you mildly the volumes—the precious volumes—of wisdom and peace. The price she asks is reasonable: to restore the franchise, which, without any bargain, you ought voluntarily to give; you refuse her terms—her moderate terms—she darkens the porch no longer. But now, for you cannot do without her wares, you call her back; again she comes, but with diminished treasures; the leaves of the book are in part torn away by lawless hands—in part defaced with characters of blood. But the prophetic mind has risen in her demands—it is Parliament by the year—it is vote by the Ballot—it is suffrage by the million! From this you turn away indignant, and for the second time she departs. Beware of her third coming, for the measure you must have; and what price she may next demand, who shall tell? It may even be the ware which rests upon that woollack. What may follow your course

of obstinacy, if persisted in, I cannot take upon me to predict, nor do I wish to conjecture. But this I know full well, that as sure as man is mortal, and to err is human, justice deferred enhances the price at which you must purchase safety and peace ; nor can you expect to gather in another crop than they did who went before you if you persevere in their utterly abominable husbandry of sowing injustice and reaping rebellion.

But among the awful considerations that now bow down my mind, there is one which stands pre-eminent above the rest. You are the highest judicature in the realm ; you sit here as judges, and decide all causes, civil and criminal, without appeal. It is a judge's first duty never to pronounce sentence, in the most trifling cause, without hearing. Will you make this the exception ? Are you really prepared to determine, but not to hear, the mighty cause upon which a nation's hopes and fears hang ? You are. Then beware of your decision. Rouse not, I beseech you, a peace-loving but a resolute people ; alienate not from your body the affections of a whole empire. As your friend, as the friend of my order, as the friend of my country, as the faithful servant of my sovereign, I counsel you to assist with your uttermost efforts in preserving the peace, and upholding and perpetuating the Constitution. Therefore, I pray and I exhort you not to reject this measure. By all you hold most dear—by all the ties that bind every one of us to our common order and our common country, I solemnly adjure you—I warn you—I implore you—yea, on my bended knees, I supplicate you—reject not this bill !

As the speaker uttered these last sentences, he fell upon his knees, and in that posture gave utterance to his concluding prayer.

Within a few hours after the close of Brougham's speech, the Lords had rejected the bill.

When this news was spread through the country, the whole machinery of agitation was again brought into use. Riots and bloodshed occurred in one or two places ; but in these outbreaks, the Reformers were not implicated. They confined their exertions to the assembling of peaceable mass meetings. On heaths and moors adjacent to the great cities, meetings numbering from 1,000 to 200,000

peaceably assembled and peaceably dispersed. A sacred tone pervaded their proceedings. Reform hymns were sung, and covenants were entered into before the Almighty; the mighty audiences uncovering their heads, and repeating after their presidents the words of the engagements by which they bound their souls.

Early in the spring of 1832, a third bill had been introduced, carried through all its stages, and finally passed the Lower House. In May, the untaught and unteachable Peers defeated the Ministry. Grey and Brougham posted off at once to Windsor, and demanded of the King that he should create a sufficient number of Reform peers to carry the bill. The King—whose fears about the effects of the bill had been enkindled by the fright and the intrigues of the women about his person, who acted in concert with certain Tory noblemen—wept, hesitated, and refused to grant what the two peers asked. The Whig Ministry at once resigned, and Wellington was sent for—Wellington, who a few months before had said, "The people of England are quiet enough if left alone; and if not, there is a way to make them." No attempt to form a Tory Government had any chance of success. For nine days, no responsible Executive existed in England. The while, the people patiently and peaceably watched and waited. On the tenth day, the Whigs were re-installed, and on their own terms. On the 4th of June, the bill was carried. A hundred Tory peers had left the House, by their absence saving their order from being "swamped." A few days after, Brougham and others of his colleagues, as a Royal Commission, declared the King's sign-manual given, and the Reform Bill was a part of the law of the land.

CHAPTER XIV.

BROUGHAM AS CHANCELLOR AND MINISTER.

A.D. 1830—1834.

Brougham as Chancellor and Judge—Legal and Chancery Reforms—Survey of the Measures of the Ministry—Causes of Brougham's Unpopularity—Hard Work—Abolition of Slavery—Irish Questions—The English Poor Law—Failures of the Ministry—Its Downfall—Brougham's Appearances in the Provinces—Lord Durham—Brougham's Period of Office reviewed by himself.

WHEN Brougham was elevated to the peerage, he chose as his title Baron Brougham and Vaux; the former being his own surname and his territorial designation, the second having reference to the Vaux blood, which our readers will remember we stated in an early page flowed in the veins of his ancestors. For his motto, he took the legend, "Pro Rege, Lege, Grege"—"for King, Law, and People." This, although so suitable to his own public career and personal opinions, was not selected by himself; for the motto is to be seen this day carved in oak in an old chamber at Brougham Hall, erected in the time of Queen Elizabeth. A wit at the time suggested that the motto should be translated "Pro Rege, *lege* Grege"—"for 'King,' *read* 'People.'"

Even before Brougham commenced contributing to the *Edinburgh Review*, he had tried his hand at writing for the press—for Edinburgh journals and the like. An

old Edinburgh printer, when the news of Brougham's elevation to the Chancellorship reached him, exclaimed, "Lord sauf us! did I ever think to see the laddie wha used to sit kicking his heels and whistling in my office till a proof was thrown off, made the Lord High Chancellor of England, and sitting on the woolsack!" Like astonishment, mingled in many instances with an easily-accounted-for regret, prevailed at the appointment. Writing as we do at an interval of time which brings 1830 into the focus of history, we confess that we share the same sentiment. But a moment's inquiry into the *facts* of Brougham's tenure of high judicial office is enough to remove this feeling. Brougham, as Chancellor and head of the administration of Equity, did great service to the State.

On the very day in which his patent was made out, he laid on the table of the House of Lords four bills; one for the establishment of local courts for the hearing of suits involving trifling amounts, two for regulating the practice of the Court of Chancery, and one to establish a court for Bankruptcy cases. Sydney Smith, writing shortly after the elevation of his friend, thus describes his activity and the benefits it produced to the country :—

Then look at the gigantic Brougham, sworn in at twelve o'clock, and before six p.m. he has a bill on the table abolishing the abuses of a Court which has been the curse of England for centuries. For twenty-five long years did Lord Eldon sit in that Court, surrounded with misery and sorrow, which he never held up a finger to alleviate. The widow and the orphan cried to him as vainly as when one offers a small reward for a full purse. The bankrupt of the Court became the lunatic of the Court. Estates mouldered away, and mansions fell down, but the fees came in, and all was well. But in an instant the mace of Brougham shivered to atoms this House of Fraud and of

Delay. And this is the man who will help to govern you—who bottoms his reputation on doing good to you—who knows that to reform abuses is the safest basis of fame and the surest instrument of power—who uses the highest gifts of reason and the most splendid efforts of genius to rectify all those abuses, which all the genius and talent of the profession have hitherto been employed to justify and protect. Look you to Brougham, and turn you to that side where he waves his long and lean figure, and mark well that face which Nature has marked so forcibly—which dissolves pensions, turns filchers into honest men, scares away the plunderer of the public, and is a terror to him who doeth evil to the people.

In a few sentences we summarise the leading legal reforms of his Chancellorship, other than those we have already recorded. In conjunction with Lord Chief Justice Tenterden, he carried two bills based on the report of the Commission on the Law of Real Property, which he had had appointed after his great Law Reform Speech of 1828; and in the same year (1832), he passed an Act abolishing the corruptions of the Naval and Ecclesiastical Courts, and another for abolishing sinecures in Chancery. The last measure saved to the country and to suitors in Chancery above £70,000 a-year. In 1833, Brougham re-introduced his bill for the establishment of County Courts, but it was strenuously opposed by Lord Lyndhurst, and thrown out. He brought forward—but unsuccessfully—three bills for regulating Chancery Practice, and for the establishment of a Court of Appeal; as also a bill for improving the administration of justice by the Privy Council. The substantial provisions of this bill were afterwards enacted, and the powers of the Judicial Committee of the Privy Council enlarged as they now exist. In 1834, he succeeded in passing, almost unopposed, and in a form almost unaltered, an important bill for improving the system of administering

justice in the Criminal Courts of the Metropolis. By this Act, offenders in the Metropolitan districts were with little delay brought to trial ; thus great expense and the evils of the lengthened imprisonment of untried persons were avoided. An attempt to obtain the appointment of an official and responsible Public Prosecutor was unsuccessful, as have been all similar endeavours from that day to this.

Such is a brief summary of what Brougham did and attempted to do, in the cause of Law Reform during the years of his Chancellorship. It is hardly possible to over-estimate the good he thus did during his tenure of office, as well by the amendments of the law he succeeded in effecting, as by the clearing out of the long arrears of suits which he found pending. Almost incredible as are the anecdotes—nevertheless, well authenticated—of the extraordinary amount of various descriptions of work which Brougham contrived to get through at earlier periods of his life, they are, if possible, exceeded by his various engrossing labours as Chancellor. One who wrote shortly after Brougham was Chancellor, thus describes his daily round of avocations :—

A watchful observer might see the new Lord Chancellor seated in the Court over which he presided, from an early hour in the morning until the afternoon, listening to the arguments of counsel, and mastering the points of cases with a grasp of mind that enabled him to give those speedy and unembarrassed judgments that have so injured him with the profession. If he followed his course, he would see him, soon after the opening of the House of Lords, addressing their lordships on some intricate question of law, with an acuteness that drew down approbation even from his opponents ; or, on some all-engrossing political topic, casting firebrands into the camp of the enemy, and awakening them from the complacent repose of conviction to the hot contests with more active and inquiring intellects. Then, in an hour

or so, he might follow him to the Mechanics' Institution, and hear an able and stimulating discourse on education, admirably adapted to the peculiar capacity of his auditors ; and towards ten, perhaps, at a Literary and Scientific Institution in Marylebone, the same Proteus-like intellect might be found expounding the intricacies of physical science with a never-tiring and elastic power. Yet, during all these multitudinous exertions, time would be found for the composition of a discourse of Natural Theology, that bears no mark of haste or excitement of mind, but presents as calm a face as though it had been the laborious production of a contemplative philosopher.

Many sneered at Brougham's lack of law when he was made Chancellor. One said it was a "pity he hadn't known a little law, and then he would have known a little of everything." The truth is, that people merely inferred that Brougham must be an inadequate lawyer, since he had given so much time to the acquisition of other branches of knowledge. But Brougham's decisions in Chancery, as they irrevocably stand in black and white, lead to a very different conclusion. He ascended the Chancery Bench under great disadvantages—shared by all Common Law lawyers who have been appointed to the woolsack—of being unacquainted with the practice and procedure of the Equity Courts. But he proved himself an amazingly quick and facile learner, and he possessed the great advantage over most men who have been similarly situated, of being a consummate jurist, as distinguished from the mere legist of "cases" and precedents. His decisions gave great satisfaction to litigants. But they were brief, summary, and unencumbered with the *reasons* of his judgments. On this account they do not stand high with students of the law, who desiderate elaborate judgments, which reflect the whole train of thought and balancing of authorities on which the ultimate decision is based. Perhaps the paradoxical statement holds good to some extent

—that the best decisions for suitors are the worst for students, and the least serviceable as authoritative precedents. Suitors do not care, and do not need, to be bewildered by the citation of a crowd of analogous cases which, in their eyes, have no possible bearing upon their own. Students, on the other hand, necessarily indifferent to the considerations which affected the litigants in any particular suit which is past and gone, desire a full explanation of the bearing of the whole law involved in the decision of the abstract questions involved in every several decision. It is impossible to possess two kinds of merit, the presence of one of which involves the absence of the other. Brougham's lasting praise is that he purged Chancery of its arrears, in a quick but not unsatisfactory or unthinking way. He did what was wanting at the time, and what would probably have been left undone, had any other man in England sat in his place. And it was his proud boast that not one of his decisions as Chancellor, hastily given as they were, was reversed on appeal to the House of Peers.

To say that Brougham shared with his colleagues their first popularity, and the unpopularity which they so soon inherited, is but to state half the truth. He was most popular while they were popular, and he was the most unpopular of them all when their popularity so quickly vanished. We are writing to a large extent without the full possession of the inner history of the time, and it is our desire and intent to abstain from making conjecture, however feasible it may seem, do the work and occupy the place of knowledge. To what extent Ministers made him the scapegoat, and to what extent his own independent ungovernableness caused

their alienation from him, are as yet subjects to some extent only of surmise. But, from whatever complication of causes, the fact remains that when the King dismissed his Reform Ministry, Brougham was, probably, the least regretted of the band of men who had been the idols of the people but two years before. In the first place, he exposed himself to attack more carelessly than his colleagues; and again, to attack him was a greater temptation than to assail any other occupant of office. The Peers hated him as a parvenu. The accursed taunt of "political adventurer," which has embittered the lives and hastened the deaths of so many men of whom their country was hardly worthy, which has been the ready instrument of retarding much wise legislation and of depriving many meritorious men of the approbation they were well worthy of—was freely applied to Brougham. The Peers detested him for his insouciant disregard of their proud pompousness and self-adulation. His public "progresses" and somewhat outré utterances jarred against even the popular idea of the severe dignity of his office. Lastly, with a harsh and uncompromising logic which our judgments cannot condemn, but from which the general sentiment recoiled, he defended the necessary but painful and caustic remedies which the Ministry applied to certain social evils—the excrescent growth of long years of pernicious legislation and long-continued laissez-faire complacency. These are some of the circumstances which explain how it was that Brougham doubly shared the general unpopularity which attached, ere their downfall, to the administrations of Earl Grey and Lord Melbourne.

We can look back calmly now, and, without excul-

pating or explaining away serious and minor errors and shortcomings, find much to commend in the doings of the Ministry of which Grey and Melbourne were the successive heads. They dealt virtually the last blow at slavery. This was one of their first acts after Reform was settled. They clung, however, to the belief that prevailed with all except the Abolitionists, that gradual abolition was advisable, and they persisted in compensating the planters. With these qualifications—the “apprenticeship” system being introduced, and £15,000,000 voted as compensation—slavery was declared abolished, and the 1st of August, 1834, decreed as the date of negro emancipation.

Ireland and English pauperism were the Ministry's great difficulties. O'Connell had by this time—for his trade as an agitator would have been otherwise gone—commenced to bellow for repeal. So lawless became the country, that the Whigs, although with the full consciousness of the general unpopularity which they would earn, passed a Coercion bill, with very severe provisions. Brougham was its unflinching advocate. The Irish Protestant Church was another great difficulty. Bigoted churchmen were alienated by the abolition of certain Irish bishoprics, and the application of their revenues to the augmentation of poor livings and like purposes. A further measure in the same direction, to appropriate certain funds, hitherto applied to ecclesiastical purposes, and employ them for educational and similar ends, cost the Cabinet four important members, two being Sir James Graham and Lord Derby (then Mr. Stanley), who were opposed to the alienation of church funds to secular purposes. Their places were filled, but

their resignation very sensibly weakened the Administration.

Their admirable Poor Law was passed at still greater cost. The condition of things which it remedied was truly horrible. The former system established a premium, not only upon sloth, but upon vice. It did not recognise the radical and most important distinction between poverty and pauperism. The "New Poor Law" may be briefly defined as being based upon the recognition of this distinction, just as the Reform Bill is best characterised as a measure to substitute Representation for Nomination. Under the old law, there was no test or restraint to curb the administration of relief. Capital and labour were being absolutely destroyed, and the paupers, who were costing seven millions a year, as completely demoralised. Gangs of able-bodied paupers, forced upon farmers as labourers, were ruining them, for they would not work, sure of relief whether they laboured or lolled. Shopkeepers were as badly off, for the rates were as heavy as the rent, and the pauper population represented so many customers withdrawn from them. Marriage and the paternity of bastards were with an equally complacency encouraged; for the father of the pauper child, legitimate or illegitimate, knew that he was sure of a shilling or eighteenpence a-week bread-money for every one of his offspring. The Poor Law, as it now exists, was carried, on the motion of Lord Althorp, in the last session of the Reform Ministry. There is no need here to enumerate the beneficial effects of the new principle on which it was founded.

Among other of the wise acts of the Ministry may be mentioned, the inauguration of the system of State grants

in aid of national education ; the abolition of the commercial monopoly of the East India Company, and the opening of the trade with India and China. Among their errors and failures, prominence must be given to their harshness to the Dorsetshire labourers, their complete break-down in the important department of finance, and the ill-success of their feeble endeavours to remove the grievances complained of by the Dissenters.

Just before the dismissal of his ministers by the King, Brougham made a tour through the country, addressing public meetings, and being entertained at public banquets in many places. At Edinburgh he expressed himself against the continued clamour for further reform which still prevailed, propounding, for a while at least, the doctrine of "finality." Lord Durham, who was Brougham's fellow-guest, and, as the public were led to believe, his envied rival in the Cabinet, said that, "he for one regretted every hour that passed over the existence of acknowledged and unreformed abuses." Brougham replied, and returned to the retaliating attack on future occasions. It needed the influence of the King and of Earl Grey to prevent the feud being fought out, at Brougham's challenge, on the floor of the House of Lords. In his public appearances, Brougham laid aside the dignity of the Chancellor, and spoke just as unreservedly and familiarly as he had ever done as Harry Brougham. His detractors made much of this, and the *Times*, which had veered round to the Conservative side, accused him of "dragging the Great Seal through the dirt." To such taunts Brougham in these words replied :—

It has been at all times not merely a privilege of public men to meet their fellow-citizens on such occasions, but a privilege of the

people to have public men coming constantly before them ; and the duty of those men to come before the people freely, without the nonsense and the hauteur with which some idle folks choose to invest themselves, by way of avoiding responsibility to the people—by way of making the people more easily led and misled, and by way of making them more safe to govern and misgovern ;—the policy, and the tactics, and the tricks of those who, of late years, have been pleased to make the discovery that Ministers have no business to attend public meetings.

Brougham, perhaps somewhat unconsciously, nervously sought every means of bridging over the gulf that severed him from the people and popular sympathies. The following manly, yet pathetic sentences, extracted from another speech delivered by him in 1835, require from us no comment by way of introduction. They are themselves truly biographical, and fully represent the sentiments with which he looked back upon his brief years of power and office :—

If it were not somewhat late in the day for moralising, I could tell of the prerogatives, not so very high—the enjoyments, none of the sweetest—which he loses who surrenders place, oftentimes misnamed power. To be responsible for measures which others control, perchance contrive ; to be chargeable with leaving things undone which ought to have been done, and he had all the desire to do, without the power of doing ; to be compelled to trust those whom he knew to be utterly untrustworthy ; and on the most momentous occasions, involving the interests of millions, implicitly to confide in quarters where common prudence forbade reposing a common confidence ; to have schemes of the wisest, the most profound policy, judged and decided on by the most ignorant and the most frivolous of human beings ; and the most generous aspirations of the heart for the happiness of his species, chilled by the frowns of the most selfish and sordid of his race—these are among the most unenviable prerogatives of place—of what is falsely called power in this country ; and yet I doubt if there be not others less enviable still. To be planted upon the eminence from whence he must see the baser features of human nature uncovered and deformed ; witness the attitude of climbing ambition from a point whence it is

only viewed as creeping and crawling, tortuous and venomous in its hateful path ; to be forced to see the hideous sight of a naked human heart, whether throbbing in the bosom of the great vulgar, or of the little, is not a very pleasing occupation for any one who loves his fellow-creatures, and would fain esteem them ; and, trust me, that he who wields power and patronage for but a little month, shall find the many he may try to serve furiously hating him for involuntary failure, while the few whom he may succeed in helping to the object of all their wishes shall, with a preposterous pride (the most unenviable part of the British character), seek to prove their independence by showing their ingratitude, if they do not try to cancel the obligation, by fastening a quarrel on him. . . .

But worse to be endured than all, was the fetter and the cramp imposed on one used to independence—the being buried, while yet alive, to the people's condition and claims—buried in the house of form and etiquette appointed for all Ministers. Who, then, can marvel at the exultation which I feel to shake and brace every fibre of my frame, when, casting off these trammels—bursting through the ceremonies of that tomb—I start into new life, and resume my position in the van of my countrymen, struggling for their rights, and moving onward in the accelerated progress of improvement with a boundless might, and a resistless fury, which prostrate in the dust all the puny obstacles that can be raised by the tyranny of courts and their intrigues—the persecution of bigots and their cunning—the sordid plots of greedy monopolists, whether privileged companies or overgrown establishments, or corrupt municipalities ?

CHAPTER XV.

OUT OF OFFICE.

A.D. 1834—1848.

Brougham's "Inconsistency"—His willingness to work for the State
—Infant Schools—County Courts—Scene with Lord Melbourne—
The Canadian Rebellion; Great Speech—His Popularity returns
—Legal Reforms—Criminal Statistics.

LORD BROUGHAM'S public life naturally divides itself into three epochs: the period of his membership of the House of Commons, his three years of office, and the remainder of his days as an un-official member of the House of Lords. We now enter upon the last of the three. No longer, except on rare occasions, shall we find any of those elements of dramatic interest which have so thickly abounded in our previous narrative. But while the events of his life from 1835 do not present those features of interest which characterised his every public appearance throughout the whole preceding quarter of a century, it was a great mistake to set them down as unimportant. Whatever was saved from the strife of party and the agitation of great questions of politics and social progress, was given to the not less worthy task of the reform, the cheapening, and the simplification of the law. In the words of Sir Eardley Wilmot (to whom we are largely indebted for those portions of our biography which relate to Brougham's achievements

as a Law Reformer), "the Statute Book from this date becomes the silent but durable monument of his fame." Not that Brougham retired from those larger questions about which human passion and sentiment are more directly concerned. There was no great political or social question agitated in his day upon which Brougham did not give his opinions, and the reasons by which he supported them. But he is presented to us no longer as a political leader; his self-chosen function was critical and judicial, and party ties had no longer even the merely apparent hold on him which had hitherto seemed to prevail. We shall see his oratorical flail, whenever in his judgment and conscience the need arose, descending as vigorously on his old allies as on his former opponents. So impartial, indeed, was he in the distribution of his censure, that he was freely charged with political tergiversation. This charge, after careful study of the facts, we cannot endorse; possibly there is a somewhat stronger justification for the allegation that some element of pique and annoyance at exclusion from the Whig counsels, when the party again returned to power, may have been imported into his dealings with the Whigs of the second Melbourne Administration. But, even after the fullest allowance is made for this very natural, and not very inexcusable, alloy of human error, we are disposed fully to sustain Brougham's own assertion that he was ever consistent to his principles; and if there was inconsistency anywhere, it was shown by the partisans who charge him with departure from his early tenets. Charged with being a cold Reformer, he fairly retorts that he was the first of the colleagues of Lord Grey to give up "finality." Those who point to his

eulogiums upon an hereditary aristocracy as an essential and valuable element in the composite structure of a free state, are unable to contrast with them any contradictory utterance given forth by him in the most fervid days of his popular tribuneship. Such charges spring from the far from unprevailing delusion that Brougham was at any period of his life a demagogue. He was from the first the advocate of constitutional, limited, and balanced freedom, with reciprocal guarantees and checks provided by the three Estates defined by the English Constitution; this he proved himself to the last. Accused of censuring the agitation of the Corn Law Leaguers, he replied that he was as early an advocate of the total abolition of the tax on food as Mr. Villiers himself—converted to Free Trade many years before either Peel or the Whigs. But he condemned the systematic League agitation, in certain of its features, as he had condemned certain acts of the political unions organised to carry the Reform Bill, to the passing of which he so largely contributed. Accused of condemning the revolutionary movements of 1848, though he had eulogised the European risings against the Holy Alliance, and a Revolution which substituted a King of the French for a King of France, he replied that the former were the manifestations of a regular international conspiracy, and that they aimed at Republicanism strongly tinged with communism; that for this reason he was consistent in condemning them, though he had so warmly applauded earlier endeavours limited to the attainment of constitutional freedom under monarchies which there was no desire to disturb. These charges form the counts of the indictment brought for-

ward to support the charge of "inconsistency." The defence we believe to be conclusive. We have not ourselves discovered any change of opinion on any important question, save in his views on the deterrent efficacy of the punishment of death.

Peel was Premier in 1835 for less than half a year. The Opposition exerted its power on the first occasion of the re-assembling of Parliament. Among other defeats sustained by the Ministry, was the carrying against them, by Brougham and his coadjutors, of a bill granting a charter to the London University. In April Ministers resigned. Early in May, Melbourne, who had undertaken the Premiership after the King had failed in inducing Earl Grey to return to public life, had formed his second Administration. No Chancellor was appointed, the Ministers professing that the King had expressly stipulated that Brougham should not return to office. William had been deeply offended by an expression attributed to Brougham when the Reform Ministry was dismissed—"The Queen has done it all." It was generally believed that the Whigs were by no means sorry to avail themselves of this pretext for the exclusion of their former Chancellor. The Great Seal was entrusted to a Commission, Brougham being appointed "Lord Keeper and Chairman of the House of Lords." This office he held, and he discharged its duties from May, 1835, until January, 1836, when Sir Samuel Pepys was appointed Lord Chancellor, and ennobled under the title of Lord Cottenham. When Brougham found himself of no more official consequence in the State than a pensioned peer and ex-Chancellor, his first desire had been to render some judicial service to the country in return for the

income he received. When Lyndhurst returned to the woolsack under the short Administration of Peel, in 1835, Brougham wrote to him offering to undertake the duties of Chief Baron of the Exchequer, which office Lyndhurst had vacated. The offer, however, was not accepted. At a subsequent period, Brougham discharged the presidential and judicial duties of Lord Cottenham in the House of Lords, during the long illness of that nobleman, which preceded his retirement, and the appointment of Lord Truro. For a long time, too, he regularly presided over the Judicial Committee of the Privy Council. In fact, he sedulously sought every occasion of onerous judicial duty, and than he no law lord was more regular and painstaking an attendant in the House during its sittings as a judicature.

During their former régime the Whigs had been able to do but little for the cause of education. As it was, they had undertaken too much, and when Lord John Russell became the leader of the House of Commons in 1835, he stated that no Government measures of importance would be introduced, save municipal reform, and an adjustment of the Irish tithe question. The former measure received the warm support of Brougham, and he gave a general support to the Irish policy of Ministers. Education was an open question. As might have been expected, Brougham returned to the important subject with unquenched zeal. In this Session he brought forward resolutions, pledging the House to greater exertions for national education, dwelling especially upon its advantages as a preventive of crime, and referring with much satisfaction to the recent establishment of infant schools, whose foundation he had done so much to

promote ever since he became personally acquainted with the systems of Fellenberg and Pestalozzi. Brougham was ever free from what is probably the cardinal vice of the school and the time in which he was educated, and by which his views and character were in some sense moulded. He was no mere intellectualist. From first to last he dwelt with great prominence upon the inculcation of morality as an indispensable part of State or other education. And the chief argument by which he ever urged upon the State the duty and expediency of educating the children of the people, was not the advantage and policy of training *intelligent* citizens, but of rearing the young amid moral associations which would increase the likelihood of their turning out *good* citizens. He advocated infant schools on the specific ground that the earliest years of youth are the best—indeed the only—time of life at which lasting moral impressions can be imbibed. In this sense alone must the following sentences from Brougham's speech in 1835 be understood. He would have disclaimed the opinions expressed as extreme and untenable, were they understood to refer to the peculiarly intellectual parts of education.

It is not enough to say that a child can learn a great deal before the age of six years; the truth is, that he can learn, and does learn, a great deal more before that age, than all he ever learns or can learn in all his after life. . . . During the period between the ages of eighteen months or two years, and six, I will even say that he learns much more of the material world—of his own powers—of the nature of other bodies, even of his mind and of other minds, than he ever after acquires during all the years of boyhood, youth, and manhood. Every child, even of the most ordinary capacity, learns more, gains a greater mass of knowledge, and of a more useful kind at this tender age, than the greatest philosopher is enabled to build upon it during the longest life of the most successful investigation.

He expressed himself strongly on the total inefficacy of punishment as a means of eradicating evil habits, and emphatically reiterated his opinion that instruction of a moral and religious character—the only sure preventive of crime—can best be instilled at the earliest period of life.

In the Session of 1836 the advocates of popular knowledge succeeded in gaining the reduction of the newspaper stamp from fourpence to a penny. Brougham urged its immediate abolition, and correctly foretold that the half measure would only prove a postponement of the controversy. During almost the whole of this Session Brougham was absent from his place. His health for a time gave way under the enormous strain of labour and excitement which had continued without an interval from his earliest residence in London. In 1837 he returned from the retirement he had temporarily sought, and at once resumed his leading position in the debates. In this year he made some of the best speeches of the latter period of his life, especially those on the disturbances in Canada, and on the immediate emancipation of the negroes.

The spirit of the Abolition Act was violated in every way; barbarities, sometimes amounting to torture and murder, were practised upon the apprentices; juries of planters refused to commit their fellows; and the legal protectors of the negroes were abused and thwarted to an intolerable degree. The negroes were avenged by the revival of the abolitionist movement in England in its former vigour; memorials from tens of thousands of English women besought the Queen to inaugurate her reign by promoting the entire and immediate abolition of slavery; Lord Brougham moved the Lords by a display of extraordinary eloquence on the same behalf; and

the Imperial Parliament speedily passed an Act for the Abolition of Slavery; to obeying which the planters preferred immediate emancipation.

On themes of less absorbing interest he also frequently spoke; doing much, especially, for the cause of Law Reform. He introduced an Education Bill; he expressed himself opposed to compulsory State education, but advocated—what would be nearly as efficient—warm encouragement by Government, accompanied by a corresponding control. He suggested that the parliamentary franchise should be bestowed upon the most efficient pupils. He repeated his very decided opinion in favour of religious instruction. The Scriptures should be read in all schools, but the children of Jews and Catholics should be relieved from the necessity of attending at the times devoted to this purpose. He again fruitlessly endeavoured to pass his Local Courts Bill. He warmly and eloquently urged the immediate emancipation of the negroes, who were still, in some of the islands, under the provisional apprenticeship system. He introduced a bill on the subject of Clerical Pluralities. If not before, in this year, he definitively withdrew from his opinion that the Reform Bill should be regarded as a “final” measure, expressing his willingness to aid in the further extension of the franchise. In this Session Mr. Ewart succeeded in carrying a Law Reform long before urged by Brougham—the extension to felons of the same legal aid from counsel as was allowed to misdemeanants and civil suitors.

In this year the sceptre passed into the hands of the young Queen Victoria. In one of the discussions on the pecuniary provisions made for the new sovereign and her mother, an angry encounter occurred between

Brougham and Lord Melbourne. We present it in full, both because it is amusing and interesting in itself, and because it is only one out of many similar "scenes" in which Brougham occupied the chief place, which we are compelled to exclude.

Lord Brougham was addressing the House on the subject of the Duchess of Kent's Annuity Bill. In speaking of the Duchess, he used the expression "Queen-mother." Lord Melbourne, who was sitting next to Brougham, abruptly interrupted with these words—"No, no; not 'Queen-mother,' but the 'mother of the Queen.'" Brougham, annoyed at the correction, vehemently said "Oh, I know the distinction between the two phrases as well as my noble friend does; but he is a much more expert courtier than I am." The inuendo very obviously referred to the fact that Melbourne had managed so thoroughly to ingratiate himself with the youthful Queen. The Tories shouted forth their laughter, delighted that, this Session, all Brougham's flail-strokes were bestowed upon the Whigs. When the laughter had subsided, Brougham continued in the most serious and solemn tone of voice—"I am rude and uncultivated in speech. The tongue of my noble friend has been recently so well hung and attuned to courtly airs, that I could not attempt to enter into competition with him on such subjects as these." After another burst of laughter from the Opposition benches, he went on—"The notions of my noble friend are more strictly poised and governed on these points than mine are."

Melbourne started to his feet the moment Brougham sat down, and after some general observations, thus retorted :—

My lords, I took the liberty to suggest that there was a difference, not an immaterial one in the present case, between the expressions, "Queen-mother," and "mother of the Queen." The noble and learned lord said that was a distinction only to be made in courts—a distinction only recognised where there is glozing and flattery—where tongues are better hung, as the noble and learned lord expressed it. I do not know what the noble and learned lord means when he says that my tongue is better hung. I cannot speak of the hanging of the tongue; and as to glozing and flattery, I must be allowed to say [here becoming very excited] that I know no man in this country who can more gloze, and flatter, and bend the knee, than the noble and learned lord himself—not me; and, therefore, when he says he cannot compete with me in those arts, I beg leave to say I feel myself totally unable to compete with him, when he finds an opportunity, or an occasion offers for exercising them.

Brougham now started up and said—

I positively and solemnly deny, and I call on the noble viscount to produce his proofs, that I ever in my life did, and more than that, that I ever in my nature was capable of doing, that which the noble viscount has chosen to-night, unprovoked, to fling out as a charge against me.

MELBOURNE.—No, no; not unprovoked.

BROUGHAM.—Yes, unprovoked; I say utterly unprovoked. I spoke in as good-humoured a tone, with as perfectly inoffensive a meaning, as it was possible for man to speak or for man to feel, when the noble viscount observed, with a contemptuous sort of air, that I should not say "Queen-mother," but "mother of the Queen;" as much as to intimate, "Oh, you know nothing of these things; you don't speak the language of courts." I said, "Far be it from me to enter into competition with the noble viscount, whose tongue is now attuned and hung to courtly airs." The noble viscount answers that by saying he cannot enter into competition with me in the hanging of the tongue. It was not the hanging of the tongue I spoke of, it was the attuning of the tongue—the new tune, with recent variations.

The exquisite sarcasm conveyed in these last words was received with another burst of laughter. Brougham resumed—

The new tune, with recent variations, to which the noble viscount's tolerably well-hung tongue had now attained. That the noble viscount

should take such an opportunity to level a charge at me, which he knows to be—which he must feel and know, when he comes calmly to reflect on it—is utterly and absolutely, and, I may add, notoriously, inapplicable to me, produced, I must own, in my mind, not of late unaccustomed to feelings of astonishment, some little degree of surprise. I repeat what I have already said—first, that the imputation or insinuation that I ever, in the discharge of my duty, stooped to gloze, or to bow before, or to flatter any human being, much more any inmate of a court, is utterly, absolutely, and, I will say, notoriously, without foundation. The next part of the insinuation is, if possible, equally groundless—that, if I had an opportunity of having recourse to these arts, peradventure I should excel in them. I want no such opportunity. If I did, I have the opportunity. I disdain it. No access which I have had has ever, to the injury of others, to the betrayal of duty, to my own shame, been so abused, not even for one instant; and opportunity to abuse it I have, if I were base enough so to avail myself of it.

In this and the succeeding year, Brougham strenuously opposed the policy of the Ministry on a question infinitely more important than the correct designation of the mother of the sovereign. Among the Lords he was the only man who upheld true constitutional principles with reference to the relations between the colonists of Canada and the mother country. The Canadians had many and just complaints to prefer. The legislature had no control over the administration of justice; there was no responsible executive; the colonists had no voice in the disposal of the taxes they contributed. Year after year the local legislature demanded the redress of these grievances. The Whig Government replied by the arrest of the leaders of the colonists. A rebellion at once broke out. Lord Glenelg, the Colonial Secretary, brought forward certain resolutions, that Government might be strengthened, and receive new powers to deal with the insurgents. Brougham, after referring to his frequent support of Lord Glenelg's policy, as a proof that no atom of spleen

dictated his present censure, objected strenuously to the resolutions, and entered against them his solemn protest. The resolutions, he said, entirely subverted the ever-recognised relation of taxation and representation ; and they implied that the right of popular election was to be for ever denied to the Canadians. A bill based upon the resolutions was introduced by Lord John Russell, and passed with a culpable haste that drew down the severe censure of even Wellington. The Constitution of Lower Canada was to be suspended, and Lord Durham to be sent out as Governor-General, with extraordinary powers. Brougham terrified the Lords by comparing Lord Durham's mission to that of Pedro de la Gasca to quell the revolt of the Pizaros in Peru. Melbourne rose, stung by the ferocity of Brougham's attack. He had long, he said, expected this vengeful outbreak, and now it had come. Brougham indignantly denied that any personal considerations had influenced the course he had adopted. It was his former colleagues, not himself, who had changed ; and he would gladly re-unite himself to them as a general supporter of their policy, if they would withdraw their declaration against Reform, and introduce measures of the same character as those carried by the Ministry of which he had been a member.

Lord Durham's most undesirable mission met with as large success as was possible in the circumstances ; but, inattentive to technical points of law, he inflicted punishments without the precedent proceedings necessary formally to justify them. Brougham quickly seized upon this defective point. He reviewed, with a caustic severity never surpassed in the annals of oratory and political contest, the whole policy of the Government. He declared

that they, not content with sending out illegal edicts, had provided no lawful power to enforce them. In their case, "tyranny appears stripped of its instinctive apprehension and habitual circumspection." "Compared with the conduct which we are now called upon to contemplate, the most vacillating and imbecile, the most inconsistent and impotent rulers command respect; King John and Richard Cromwell himself become wise, politic, and vigorous princes."

From another of the speeches delivered by Brougham at a previous stage of the oft-renewed discussions, we extract these sentences, never exceeded, we believe, as vehicles of the most pungent and galling sarcasm :—

The measure could not have been delayed much in the other House, where such unprecedented majorities had concurred in passing all the resolutions, and in this House my noble friend knows he can do as he likes—I mean when he is doing wrong—" *Illa se jactet in aula;*" and he is little opposed here. I am far from saying your lordships would so readily let him do anything to advance the interests of the people, or extend their rights; but only let him invade their liberties, and he is sure to find you every way indulgent; such is your partiality for a bold and decided policy; so great your inclination to support what are termed vigorous measures! . . . Thus then, my lords, all is uniform and consistent in these transactions; all is in keeping in the picture which these papers present to the eye. A scene is certainly unfolded not much calculated to raise in our estimation the capacity, the firmness, the vigour, or the statesmanlike habits of those distinguished persons to whom has been committed the administration of our affairs. I do not by any means mean to assert that the great qualities of public life may not be discovered in these proceedings. I should be far from saying that both deliberation and dispatch may not be traced in their conduct; deliberation amounting even to balancing, and pausing, and delay; dispatch running into rapidity, precipitancy, hurry. You meet with the unhesitating haste and the mature reflection; the "*consulta*" and the "*matura facta*" are both there. But then they are at the wrong time and in the false position;

the rapidity presides over the deliberative part ; the deliberation is applied to the execution. The head is at fever-heat, the hand is paralysed. There is no lack of quickness, but it is in plans fitted to throw the country into a flame ; no lack of delay when those schemes are to be carried into execution. They rush, unheeding, unhesitating, unreflecting, into resolutions upon which the wisest and readiest of mankind could hardly ponder too long ; but when all is determined—when every moment's delay is fraught with peril—then comes the uncertainty and irresolution. They never pause until the season has arrived for action, and when all faltering, even from the twinkling of an eye, is fatal, then it is that they relapse into supineness and inaction ; look around them, behind them, and everywhere but before them, and sink into repose, as if all had been accomplished, at the moment when everything remains to be done. If I were to ransack all the records to which I ever had access of human conduct in administering great affairs, whether in the annals of our own time or in ages that are past, I should in vain look for a more striking illustration of the Swedish Chancellor's famous saying to his son, as he was departing to assist at the congress of statesmen—"I fili mi, ut videas quantula sapientia regatur mundus."

How Lord Durham, who had most reluctantly undertaken the invidious task at the urgent solicitation of his colleagues, was basely deserted and disowned by them, is well known. The indignity and injustice destroyed him, and he returned to England only to die.

Brougham had by this time emerged from the temporary but black cloud of popular disfavour which had hung over him. Gradually personal and political eumity was allayed, and he soon recovered his former position of public usefulness. This he turned to especial account in the work of Law Reform, to which he more and more devoted himself. Already, the statute-book contained considerable traces of his exertions and achievements. While supporting every isolated measure for the amendment of the criminal law, he never ceased to urge the complete and systematic revision of the structure

as a whole. He expressed himself favourable to the abolition of capital punishment ; ten years later, we shall discover that his opinion on this point had changed. Again and again did he return to the advocacy of preventive measures, as the only expedient likely to be in the smallest degree successful towards the diminution of crime. He introduced an Education and Charities Bill ; he proposed to establish a board which should have control over all charitable funds and endowments. He met with so little support, that he dropped the bill at an early stage. He supported a bill for the abolition of imprisonment for debt except in carefully defined exceptional cases. When circumstances permitted a relaxation of the stringent policy which had been adopted towards Ireland, he expressed his horror of Coercion Acts, "which it had given him pain to impose, and given him the utmost relief to repeal." He introduced a bill for the Promotion of Education in Boroughs, which would have empowered two-thirds of the ratepayers to levy a tax for the support of schools. The Lords had frequently rejected a measure for giving the custody of children to their mothers, where husband and wife lived separately, at the discretion of the Court of Chancery. It was passed in 1838. Brougham warmly supported it, and described it as "the first laying of the finger of improvement upon an edifice"—the laws affecting women—"which would not bear a touch."

In 1839 he introduced—failing in both cases—bills for the promotion of Education, and for the regulation of Charities. He and Lord Palmerston had steadily kept the Slave Trade still conducted by the ships of foreign nations, before both Houses of Parliament. This year

they succeeded in passing a bill authorising the capture of Portuguese and Brazilian slavers. This Act, and similar ones which had preceded it, cost Brougham a considerable fortune. A Barbadoes planter had left him in his will his plantation and an estate in the North of England. He had written to him (anticipating the event of changed ownership), "Your peasants in Barbadoes are more comfortable than your peasants in England." This year he changed his mind, and disinherited his legatee. About this time, in the absence of Brougham at his villa at Cannes, a hoax was practised upon the newspapers. Brougham was reported to be dead, and obituaries were published in all the papers. Most were laudatory, but the *Times*, which appears to have been half incredulous about the deception, described him in such terms as—"the most voluminous of writers;" "the most voluble of debaters;" "of actors, if not the most efficient and successful, at any rate the most restless and indefatigable." Some suspected, at the time, that the perpetrator of the trick was no other than the man reported to be dead.

In a few sentences we must condense a variety of legal reforms carried, or unsuccessfully introduced by Brougham, in the next seven years. In 1840 he carried a measure which greatly facilitated proceedings in Chancery. In the year following, he passed a bill for the removal of the difficulties that surrounded copyhold tenure, but failed of complete success; he had wished absolutely to enfranchise all copyholds, under certain definite conditions.

In 1842 he sustained one more defeat on the County Courts question, but carried two Acts, one for the relief

of insolvent debtors, the other abolishing arrest on *Menes* process. A bill against bribery, which proposed to grant indemnities against prosecution to witnesses examined by bribery committees, was thrown out. It was subsequently introduced in 1852, by the Government, and is now statute.

In 1843 an Act of Brougham's made slave-trading by British subjects in foreign countries felony. By another successful measure, the powers of the judicial committee of the Privy Council were greatly enlarged. A subsequent Act, passed in the next year, enables inventors and the assignees of patent inventions to obtain from the Privy Council extensions of the terms of their patents, without the expense and delay of an Act of Parliament.

In 1845 Brougham united with a few others in the foundation of the Law Amendment Society. This excellent organisation has proved a most efficient auxiliary to the law reformers in Parliament, and has done much to create a body of professional, if not public, opinion in favour of the great, but not very inviting work. Brougham brought forward nine bills in this year. Those on the conveyance of real property and on outstanding terms, all passed. A bill on the law of evidence, and one extending jurisdiction in divorce cases to the judicial committee of the Privy Council, were also enacted. He was unsuccessful in his endeavour to engraft on the English law the "declaratory action" of the Scottish courts, by which the owner or purchaser of real property may try, even if no adverse claim be set up, the validity of his title; also, in his proposal to compel the promoters of private bills to give security or recognisance for costs

to their opponents. He failed in his attempt to abolish the exemption of Members of Parliament from arrest for debt. In 1848, when he re-introduced his bill, he was again unsuccessful. Two measures, which are now law, were also fruitlessly introduced by him in this prolific year—one to permit all persons to trade in the city of London, another to compel three weeks' residence in Scotland previous to the contraction of marriage. It thus appears that Brougham did not wish to set up as an example the method of his own wedding.

In 1846 he was at last successful in passing his most valuable Act for the establishment of County Courts for the trial of causes involving small sums of money. In spite of the opposition of the Government, he succeeded in fixing the jurisdiction as high as £20. For eighteen years had Brougham continued to press upon Parliament this most beneficial proposal. It represents one of the very greatest debts due by the trading community to its author. In the same year he failed with bills for facilitating the conveyance of real property, by substituting simpler phraseology for the prevailing terms employed by conveyancers, and for securing the impartiality of trials in Ireland by removing the "venue" to another county at the request of a panel or party to a suit. A bill to protect public officials from vexatious actions, unsuccessful in 1846, was re-introduced and carried in 1847; but the protection was limited to magistrates.

Brougham had been chairman of a committee, which sat for two sessions, and returned in 1847 the well-known and valuable report upon criminal law, especially with regard to transportation and juvenile offenders. To Brougham must be accorded a very considerable share of

the credit due for the abundant information and the well-considered suggestions contained in this report on penal colonies, the treatment of convicts, punishments, and education in its bearing upon the diminution of crime.

CHAPTER XVI.

LAST YEARS IN PARLIAMENT—REFORM OF THE LAW.

1848—1856.

Free Trade—Continental Revolutions of 1848—Seeks to become a Citizen of the French Republic—Law Reform—Great and Comprehensive Speech in 1848—Large number of Reforms Advocated—Legal Reforms effected by Brougham—The Don Pacifico Debate—Eulogium on Peel.

DURING more than the last score years of Brougham's life, the figure which he made in Parliament was far from conspicuous. This, probably, arose equally from circumstances and from choice. During the earlier part of each recurring session he was absent from his place on the cross benches of the House of Lords. For his declining vigour, though its indications were scarcely apparent at the great occasions of his public appearance until a few years before his death, compelled him to sojourn at a mansion which he had purchased near Cannes, in the south of France, until the feeble northern sun had dissipated the last chills and damps of our sluggish spring. During the summer months, however, he was a regular attendant, though but an occasional, and never a partisan, speaker in the Upper House. In the legal deliberations and decisions he took a prominent part, and his presence in that most useful tribunal of ultimate appeal, which he had by one of his wisest measures

created—the Judicial Committee of the Privy Council—was equally to be looked for, so long as he remained each year in England. In party conflicts, as such, he took no part; though he never shrank, when the occasion naturally arose, from the exposition of any fundamental constitutional principles which were involved in their issue. His complete independence of party ties became even more apparent. This fact gave to his utterances a judicial and critical tone, which, while it increased their weight and authority, renders it less necessary for our purpose to dwell upon them severally as incidents in his personal career. Turning over the pages of Hansard, the name of Brougham by no means infrequently appears, taking part in all the chief questions agitated—while the peoples of Europe were in arms, throughout the pacific interval illustrated by the Great Exhibition, during the Crimean War, and the crisis in India, in the years which witnessed the emancipation of Italy and the subjection of the insurgent American Confederates. Nor was he more reticent in grave domestic questions, on which the fate of English Ministries depended. We have already stated that he was an early convert to the doctrines of Free Trade. When Peel introduced his celebrated Budget of 1842, and his modifications of the sliding scale, Mr. Villiers was selected to move the total abolition of the Corn Laws in the one House, while Brougham undertook the same duty in the other—an office he had previously discharged on more than one occasion. Until the victory was won, Brougham's aid was never wanting to the cause of cheap and untaxed food. Equally serviceable was he as the advocate of the complementary measures for the abolition of the prohibitive imposts on

foreign sugar, and on the trading vessels of foreign powers. On such questions as the famine in Ireland, the Papal aggression, the claims of Dissenters, he was a frequent, but never a prominent and leading speaker.

Even on themes which may be considered as more peculiarly his own, few of his speeches present material which needs at much length to be referred to. Schemes that in earlier years he had advocated single-handed were gradually coming into effect—if not carried, had enlisted large bodies of supporters among younger men. Whenever there arose questions affecting education, colonial government, prison and convict discipline, Parliamentary Reform, and the emancipation of the commerce in knowledge from its last fetters, Brougham openly expressed his opinions, but opinions which were merely the repetition, when the need arose, of tenets expressed many a time before, and permanently identified with his name.

The extraordinary continental events which characterised the year 1848 roused him to new displays of his still youthful spirit. After the downfall of Louis Philippe, he astonished England and Europe by proposing to the revolutionary Government of France (in which he had already for some time been a partial resident) to complete his connection with that country by becoming in regular form a French citizen. To this proposition M. Marrast replied, on behalf of the Government, by informing him that if he became a French citizen, he must cease to be an English peer. Brougham's opinions on the Revolution, its principles, and its consequences were expressed in various speeches in the sessions of 1848 and 1849; for example, in his "Speech on Italian and French Affairs," on July 20th, 1849;

but more at large in his "Letter to the Marquis of Lansdowne on the late Revolution in France," which very soon ran through six editions. More generally acceptable was his persistent continuance of effort in the great cause of law reform, even although he by degrees appeared less and less in the character of initiator, but rather as an approver and supporter of the reforming measures of others. Special commendation must be applied to his "Inaugural Address" (delivered in 1850), "on the Establishment of a Law School," by which school legal instruction, in the strict sense of the term, was first secured for those aspiring to enter the highest branch of the profession. In the same commendable category must also be enrolled the following brochures—his "Letter to Lord Chancellor Cottenham upon the Bill to give Primary Jurisdiction to the Masters in Ordinary of the High Court of Chancery in certain Cases;" another "Letter," namely, that "to Lord Denman on the Legislation of 1850 as regards the Amendment of the Law;" his speech, in 1851, on the Law of Evidence Bill; and in 1853, his speeches on County Courts and Law Amendment.

Even in the field of legal reform, formerly almost wholly his own, he was now assisted by many coadjutors, who frequently gained the credit of the final passing of measures which Brougham's long fight had ripened into maturity. He divides with such as Lord Campbell the credit of many reforms in the law with which his name was not, at the moment of enactment, associated. And the same consideration applies in the case of the great measure of Chancery reform introduced and passed by Lord St. Leonards in 1852.

Spite of this recent division of labour in the field of legal reform, there yet remains a large debt of gratitude, whose items we have not enumerated, to be recognised as owing specially and peculiarly to Brougham ; an obligation which he took care to the last to keep accumulating. Resuming our narrative of his achievements and endeavours in this department, we find that in 1848 he failed in passing two valuable bills, one providing for the speedy release of debtors from prison, in cases where the charges of fraud or reckless extravagance could not be maintained, and where the debts had been contracted with a reasonable expectation of ability to pay them ; the other, for the protection of women and children from dishonour and outrage. The provisions of the latter have since been enacted in the excellent measure of the Bishop of Oxford.

On the 12th of May in this year, Brougham delivered a great and comprehensive speech on the whole subject of law reform ; pointing out what had been effected since his speech in 1828, and what still remained to be done. He said—

The changes effected in our jurisprudence have removed a large portion of the defects which I complained of twenty years ago ; and, as the whole have not been removed, I feel that the time has now arrived for urging Parliament to finish the important work thus happily begun, as well as to embrace in its amending operations, cautiously and safely, though steadily carried on, those few branches of the subject to which my motion, in 1828, had not been directed. The past success naturally holds out this encouragement ; the interval that has elapsed, too, enables us to tell, by the experience afforded by our changes, how far these have worked well in practice ; and we may conveniently and usefully now pause to decide whether or not the measures adopted have been wisely framed, and whether or not we should not go on in the same course.

He should, he said, survey the whole subject under

these five divisions : as to the makers of the laws ; the mode in which they are made ; the fabric when made ; the promulgation of the law ; and its administration.

As regarded the makers of the laws, or Parliament, he thought, from the example of neighbouring States, that a large increase of the constituencies might be made with safety and success. The conduct of our own population at the very period when he was speaking, almost universally—and certainly quite voluntarily—on the side of order and in defence of the laws, had justly entitled them to claim a larger share in the representation. "I derive," he said, "from the elections in France the most sanguine hopes that many years may not be suffered to elapse before we, too, extend our elective franchise to the great body of our citizens—the very source of our wealth and the pillar of our strength as a nation—men whose virtues are equal to their industry—men whose steady attachment to the Government and its rulers bids defiance to all the attempts ever made to seduce them from their allegiance."

Further, with reference to the makers of the laws, he expressed himself in indignant terms against the privilege enjoyed by the members of both Houses against liability to arrest for debt. With regard to the evils of bribery and corruption, the only means to abolish them was for the legislature to stigmatise the donor of the corrupting bribe. Members ought to be required to make a declaration on their honour that they had purchased no mercenary vote. Mr. Walpole embodied the same suggestion in his bill on the subject, in 1853 ; but he received so little support that he withdrew the measure. Another important suggestion of Brougham's was, that all election

petitions should be tried by a separate and independent tribunal, and not by a committee of fellow-members of the accused, acting in a judicial capacity, but with every temptation against the due and dispassionate discharge of their functions.

As to the mode in which the laws are made, he pointed out that no regular system controlled the passing of laws. With reference to public or Government measures, there was no concert or comparison between the several boards or departments. Each had its own principles and its own phraseology. "A mass has been engendered, in which the obscurity of darkness alternates with the glare of cross light, meagre explanation with inexcusable prolixity, repetition with omission, repugnancy with truism—a mass, which if it be not termed nonsense and contradiction, only escapes those epithets from the respect due to the venerable name of a Statutory Record." He went on to define the requisite conditions of clearness, perspicacity, and satisfactoriness in a statute : It ought always to be drawn with reference to all former statutes in the same or on kindred subjects ; every clause should have regard to all the other parts ; alterations made in passing a bill should be carefully seen to have regard to the parts left unchanged. Then he went into still more specific details about the terms in which statutes should be couched. He proceeded to show the egregious errors which resulted from carelessness in the drawing of private bills. He instanced one important Act of those which gave to the Great Western Railway its powers and privileges. By this Act, it was laid down that a copy of any of the Company's books might be produced in evidence, without any testimony to the

accuracy of its correspondence with the original ; another clause provided that the payment of rates assessed on it by the parishes through which it ran, should be considered proved if an entry of the payment in its own books were produced. The only remedy which could effectively deal with this state of confusion, which equally vitiated public and private legislation, would be the appointment of a permanent Board to assist the Government and the promoters of private bills.

The President of this Board should be Minister of Justice, exercising the functions naturally suggested by the title of his office. The offices of Lord Chancellor, and of Chief Judge of Chancery should be severed. The former, still to be maintained as a political official and Minister, should discharge only the duties of Chairman of the House of Lords as a legislative body, and its Chief Judge in its judicial capacity. The latter should be appointed for non-political reasons, and should not be removable at the resignation of a Cabinet. All legislation on private bills, which affected no public interest, should be removed from Parliament, and their matter should come before judicial tribunals—more especially Estate Bills, Divorce Bills, and the like.

The retrospect of beneficial changes in the execution and administration of the laws was, he said, most encouraging. Sixty out of seventy defects which he had pointed out in 1828, had been removed. Still there remained a large arrear of desirable changes to be effected. The most important of these he specified, dwelling on the party considerations which still influenced judicial appointments, defects in the Law of Evidence, indefensible ecclesiastical privileges, flaws in the Statute of Limita-

tions, shortcomings of the court which discourage litigation and encourage arbitration, the severity of the Law of Arrest, &c. He now expressed himself indisposed to the abolition of the punishment of death, doubting whether any other penalty would act as an equally efficient deterrent from capital crime. He dwelt upon the necessity of the establishment of a Court of Appeal in criminal cases. He believed that parties to a suit should be eligible as witnesses. This, we need not say, is now English law. Already, Lord Denman's Act had so far amended the previous law, as to allow parties interested in a secondary degree in the issue of a suit to give evidence. Lastly, Brougham argued that the principle of Lord Campbell's Bill, justifying libel if the libellous matter were proved to be true, should be made to apply in public, or political, as well as in private cases.

With regard to the law of real property, he again advocated the Scotch Declaratory Action; the period during which hostile claims to the possession of property might be preferred, should be limited; conveyances should be curtailed and simplified; and a General Registry should be established, in which title-deeds of estates might be deposited, accompanied with accurate maps. Similarly, there ought to be public depositaries for wills to be placed in them by testators during their lifetime.

The Criminal Code he proposed to amend—firstly, by more accurately defining crimes and their corresponding penalties; secondly, by improvements in the method of procedure in criminal trials. One excellent suggestion was to entrust to County Courts the administration of legacies of small amount.

He repeated his very strongly-pronounced opinions

in favour of the institution of the office of Public Prosecutor :—

We still—we alone of civilised nations—we contrary to all principle, and in spite of all experience, still persist in leaving the Criminal Law to execute itself. No provision whatever is made in our system for any one criminal being brought to trial, any one offence prosecuted ; no provision, at least, that is of the least certainty, or that may not just as well prove nugatory as effectual. A man is robbed—he has the additional misfortune of being bound over to prosecute the robber ; his life is attempted—he has the additional risk of losing the costs of the trial,* and the certainty of losing his time in urging it. Public Prosecutor we have none ; all is left to hazard ; the worst crimes may go unpunished—ay, and the innocent parties may be involved in a suit.

This great and comprehensive speech, of which even the summary we have given renders comment and eulogy equally superfluous, and of which it is enough to say that it was worthy of the speaker of the speech of 1828, concluded with this vindication of the time and occasion chosen for its delivery :—

It is because all other states are shaken and ours alone is secure, that I would have you make these institutions perfectly to be loved, which you bid the people press home to their bosoms. I have the most entire and undoubting confidence in the powers of our Constitution, and the loyalty, the virtue, and the courage of my fellow subjects to maintain it. But the better the law is under which they live, the cheaper is its administration to them, the closer its remedies are brought to their own doors, the plainer it is written for them to read, and the simpler to comprehend as digested, the more secure property becomes in the enjoyment, the easier to exchange and transfer, making it, as Blackstone says, answer more perfectly the purposes of civil life, removing, as Locke hath it, the shoals and quicksands which beset the course of those who deal with it—the better will our system deserve the people's love, with the more fervent loyalty will it be by them

* This is now no longer the case.

upheld, the more firmly nerved in its defence will be their gallant arms, the more inaccessible their honest hearts to the arts of all its enemies.

Among other legal reforms effected by Brougham in the last epoch of his life, these seem to us specially worthy of enumeration :—The Bankruptcy Consolidation Act, which defined the penal offences of bankrupts and the punishments provided for their offences, and clearly established what constitutes an Act of Bankruptcy ; the Trustee Act, which augmented the powers of the Courts of Chancery in cases where trustees, mortgagees, &c., become insane ; an Act passed in 1851, improving and extending the law on patents ; the Act abolishing the office of Master in Chancery ; the Act enabling the plaintiff and defendant in civil suits to appear as witnesses ; the Act admitting husband and wife as witnesses against each other, except in criminal trials and divorce causes ; the Act withdrawing from the Ecclesiastical Courts their jurisdiction in defamation cases ; and the very important Act of 1855 for the summary trial of offenders. His endeavours to reduce the costs of conveyances, often renewed, were long fruitless, but at last moderately successful. His attempts to have the Criminal Law consolidated, were by the Acts of Sir William Atherton, in 1861, achieved in very nearly their exact spirit. His advocacy of the fusion of the Inns of Court into a great legal university, which should teach the principles of jurisprudence, as well as the law of England, would seem, at present, to have availed but little. His bill of 1854, for summary process on bills of exchange, was introduced by others, and passed in the succeeding year. His bill for the collection of criminal statistics

was rejected ; but they are now collected by the Home Secretary, on his own authority, and annually published.

We should exceed the proportional dimensions of our sketch of the career of Lord Brougham, were we so to enlarge our canvas in this summary chapter of our narrative, as to chronicle the judicially-expressed opinions which he uttered on the various great issues of party conflict which were raised in the last two decades of his life. We must content ourselves with noticing but one or two, that so we may leave a larger available space for, by comparison, a copious analysis of his utterances and doings in that field of social science which in his latter days he made peculiarly his own. For never was a great public theme of exposition and advocacy more closely allied with its expositor and advocate than were, in the years subsequent to 1855, Social Science and Brougham, the very Coryphæus of this great theme of his exposition, advocacy, and enlightened, associated, generous endeavour.

1850 chronicled one of the greatest debates of our Parliamentary history : it certainly was the greatest which has occurred in our times. It is best known as the Don Pacifico debate, and in it Lord Palmerston's whole foreign policy for twenty years was most splendidly assailed in both Houses, the assault being repelled in each House with equal brilliancy. In this magnificent passage of arms, in which the future historian will assign the highest places—and he will be unable, amongst the great gladiators, to assign the paramount palm—the names of Derby, Cockburn, Gladstone, and Palmerston himself will for ever stand out as the most conspicuous. Brougham took a middle course. He felt compelled to censure his

old colleague in the Reform Administration for what he considered his too decided and vigorous behaviour to the Hellenic kingdom ; but pronounced a warm and evidently heart-felt eulogium upon the general conduct by the great future Premier of the foreign relations of England. It will be generally recollected that it was in this debate that Peel made his last speech. While, with Brougham, condemning those acts, instigated by Palmerston, in the Gulf of Argos, which were the immediate topic of discussion and animadversion, he at the same time, with Brougham, accorded a high meed of commendation to the general policy of the Whig Foreign Secretary ; using these brief but pregnant words, "We are proud of him," not "We are *all* proud of him," as they are generally reported ; at least, if we may trust to the literal accuracy of Hansard. A few days passed, and Peel was no more. By men professing all shades of opinion, his eulogium was pronounced. The following were the concluding words of Lord Brougham's brief address :—

At the last stage of his public career, chequered as it was—and I told him in private that chequered it would be—when he was differing from those with whom he had been so long connected, and from purely public-spirited feelings was adopting a course which was so galling and displeasing to them—I told him, I say, that he must turn from the storm without to the sunshine of an approving conscience within. Differing as we may differ on the point whether he was right or wrong, disputing as we may dispute as to the results of his policy, we must all believe that to the course which he firmly believed to be advantageous to his country he firmly adhered ; and that, in pursuing it, he made sacrifices compared with which all the sacrifices exacted from public men by a sense of public duty, which I have ever known or read of, sink into nothing.

In the course of the Session of 1852, Brougham introduced and carried a very practical and useful bill, by the

provisions of which the period between the dissolution of a Parliament and the convocation and assembling of its successor was shortened from fifty to thirty-five days. In the course of the speech which he made in support of the bill, he uttered the first of a series of powerful and earnest denunciations, to others of which we shall forthwith make reference, against bribery and corruption at elections. He expressed on this, as on future occasions, his belief that nothing effectual would be done until the Legislature made it compulsory upon every member of Parliament to explicitly swear on taking his seat that, neither directly nor indirectly, by himself or by his agents, had he received any votes purchased by bribery, or coerced by intimidation.

Speaking broadly, all Liberal measures which have been introduced during the recent long and almost uninterrupted rule of the Whigs and their more advanced allies have received the support of Brougham. Occasionally he opposed them, as when, after the conclusion of the Crimean War, he pronounced strongly against the continuance of the income-tax. He fortified his opposition to it by a precedent drawn from his own Parliamentary career. He stated that in 1816 he, in conjunction with Mr Baring, his trusty ally in the matter of the "Orders in Council," carried a reduction of six or eight millions in the amount of the income-tax; upon which the then Chancellor of the Exchequer withdrew his estimates, and framed new ones, "on the principle of cutting his coat according to his cloth." All the great measures of legal reform introduced by the Whigs, as, for example, their alteration of the law of divorce—or, rather, *their cheapening the cost of obtaining divorce—the Bank-*

ruptey Bill of Lord Westbury, and the Law of Limited Liability, found in Brougham a hearty supporter. He stood by Molesworth in his great scheme for making the colonies self-governing ; by Russell, in his oft-reiterated attempts to open the portal of Parliament to the Jews ; by those who were the advocates of a general improvement in convict discipline, and especially by the colonists who protested against the contamination of felon immigrants ; by Milner Gibson and his zealous band of coadjutors in their arduous struggle to free printed knowledge from its last remaining shackle ; and, although without any conspicuous emphasis, by Cobden and Gladstone in their noble work of advancing the great structure of Free Trade and enfranchised commercial intercourse between the nations of the earth.

CHAPTER XVII.

SOCIAL SCIENCE—LAST DAYS.

1856—1868.

Social Science: Establishment of Association for its Promotion; Inaugural Address; Conferences at Birmingham, Dublin, London, Edinburgh, &c.—Diffusion of Useful Knowledge—Denunciation of Bribery—Co-operation—The Permissive Bill—Personal Incidents—Death of Lady Brougham—Brougham and Berryer—Pen-and-ink Sketch of Brougham in his Old Age—Brougham as an Author—Summary of his Career, Character, and Influence.

IN the autumn of 1855 it was suggested to Lord Brougham that he should take the lead in founding an association for cementing together all the branches of social economics, the growing and devoted study of which has been, perhaps, the leading phenomenon of our time, into one general and comprehensive whole. The fundamental idea of those pioneers who first projected the National Association for the Promotion of Social Science, was to place reliance, in their investigations and the steps by which deductions were made from them, on the actual experience of social reformers, rather than upon a priori reasonings. They were to adopt, in a word, "*mutatis mutandis*," the method of that sister body, the British Association for the Promotion of (Physical) Science, of which Brougham himself was one of the leading and most useful members. The idea was at once heartily undertaken and supported. Various causes, the chief

being the occurrence of a dissolution of Parliament, retarded the early completion of the design ; but on the 29th of July, 1857, the first formal step was taken. A private meeting was held at Lord Brougham's town residence in Grafton Street, "to consider the best means of uniting all those interested in social improvement." Forty-three persons, including a few ladies, were present. They included Lord Brougham, Lord Ebrington (now Earl Fortescue), Messrs. Adderley, M.P., and Sydney Turner, Dr. Farr, Mrs. Mary Howitt, Mrs. Austin, and Mr. G. W. Hastings, who became, and remains, secretary to the association. At the request of Lord Brougham, who presided, Mr. Hastings explained the objects of the proposed association ; and Mr. Sydney Turner moved, and Lord Ebrington seconded, a resolution that the National Association for the Promotion of Social Science should be established. After due deliberation, this improvised and initiatory committee mapped out the objects of the association under these five compartments—a classification which we believe is still retained : Law Amendment (at a subsequent date the Society for the Amendment of the Law was voluntarily absorbed as a section of the larger and more comprehensive body), Education, Prevention and Repression of Crime, Public Health, and, lastly, Social Economy, a somewhat general and indeterminate heading, which was designed to include all questions affecting the mutual relations of capital and labour, employer and employed, production, distribution, and consumption, &c.

A deputation from Birmingham had been present at the initial conference at the house of Lord Brougham, and at their instance it was determined that the first

congress of the association should be held at the great midland metropolis. Lord Brougham, by the unanimous desire of all, was selected to deliver the inaugural address. It was given in the Town Hall, and was one of the happiest of his efforts, contrasting most favourably with any public utterance of his at any period of his life. His theme was the diffusion of knowledge, and the speech, like the other annual orations to which it formed the prelude, was lambent with the most passionate and consuming desire for the extension of education and intelligence. One most important passage, which we present in full—important at once historically and autobiographically—described the foundation and the plan of operations of that Society for the Diffusion of Useful Knowledge, of which, thirty years before, he had been the prime founder :—

About thirty years ago the society was founded for diffusing useful knowledge, its object being to bring the different branches of science and of literature within the reach of the great bulk of the community, by reducing the cost of books, maps, and prints to a very moderate scale, and by preparing various works, at once didactic and attractive. The committee which carried on these operations consisted of sixty persons, among the most eminent in science and literature, ancient and modern, with members of the three learned professions, and distinguished statesmen. Regular meetings were held to receive the reports of sub-committees charged with preparing the various works composed either by their own members, or by authors who were employed. Every matter was discussed by the general committee, both on the writings submitted and on the new works to be undertaken. The most severe examination had been applied by the sub-committees; but the proof-sheets were further submitted to the whole of the members, who had to consider both the substance and the manner of treating it; and even those who on any subject might not feel competent to criticise the scientific part, exercised a vigilant superintendence over the style, so that errors in composition, and offences against correct, even severe, taste were sure to be detected. Now, the great number of our members

profiting, moreover, by the communications of about seventy local committees, and the advantage of constant intercourse among the members of the central body, enabled the society, in the twenty years of its active operations, to publish not only with unbroken regularity treatises twice a month, but various other works not given periodically. Above 200 volumes have thus appeared. The circulation of the scientific works frequently reached 25,000, of those in more general use 40,000 ; while of the preliminary discourse the circulation was 100,000, and of the weekly, or "Penny Magazine," it exceeded 200,000 ; and this gave rise to works of a like description, as did also the scientific treatises, so that the effects of the society's labours were not circumscribed within the classes among whom its works circulated. And it further had the satisfaction of finding that the price of books, maps, and prints was exceedingly lowered, while their numbers were greatly multiplied, and cheap literature was found to be the true interest of authors as well as publishers, and was no longer confined to light reading, but extended to works of science and art, conducted with unremitting attention to the explanation of all technical terms and all obscure allusions, and removing whatever other obstructions are found in the path of the learner ; so that the youth of humble station could no longer be met by those distressing difficulties, both in expense and in the want of truly didactic works—difficulties which had before made the pursuit of self-education all but hopeless. A still more important service, however, was rendered by teaching professional authors and publishers that there is a market for true and substantial knowledge among the people at large, which, even if they had before suspected its existence, they never had felt confident enough to prepare books for it.

It is impossible within our limits to present even the most meagre analysis of this and the succeeding wondrous orations which Brougham delivered at the annual gatherings of the Association. We can with all confidence refer such of our readers as wish to acquaint themselves with them in full to the reports of them which are to be found in the Transactions of the Association which annually appear under the able editorship of Mr. Hastings.

In the course of his address at Birmingham, Brougham stated that he came forward to recommend the Associa-

tion and its objects with thorough impartiality, for he "had originally grave doubts of its expediency; and when these were entirely removed by a full consideration of the subject, he had very much graver doubts whether younger and abler men should not fill this chair, and he actually named two men now at the head of departments." After pleading, "more suo," the paramount importance of the moral and political sciences, he urged, as the fundamental principle of the young Association, the application to certain of its branches of the inductive method, hitherto peculiar to natural philosophy. He expressed a hope that the "National" might rival in popularity and usefulness the elder "British Association," and in succession vindicated the claims of the departments of Jurisprudence and Amendment of the Law, Education, Sanitary Reform, Political Economy and Statistics. He pointed with congratulation to the encouragement to be derived from the success of the Societies for the Diffusion of Useful Knowledge and the Amendment of the Law; and emphatically enlarged upon the important services which the Association might render to the Legislature. Mr. Hastings, in his manly, cheerful, enthusiastic, and enthusiasm-engendering account of the first meeting of the Association, which appears as a preface to the first volume of its Transactions, remarks that some present in the Birmingham Town Hall were reminded of the oration which, thirty-two years previously, Henry Brougham delivered in the Senate Hall of the University of Glasgow. A few, he says, thought of the words of Sir James Macintosh, Brougham's predecessor in the Glasgow Lord Rectorship, who, being present at Brougham's installation, described him as accomplished in all philosophy

—a guiding example to those who would win fame through persevering labour.

The second annual meeting of the Association was at Liverpool. Lord John Russell was elected President of the Congress, and delivered as such an inaugural address. Brougham again chose for the subject of his address his favourite theme—the Diffusion of Knowledge. He incidentally stated many interesting facts, supplementary to those furnished the year before, about the Society for the Diffusion of Useful Knowledge. He stated that the project of issuing the "Penny Magazine" was the happy idea of Matthew Davenport Hill, the estimable Recorder of Birmingham. Refuting the plausible error that a little knowledge is a dangerous thing, he cited interesting incidents like the following, as evincing the culture which even the plates of the "Penny Magazine" instilled and propagated. Lieutenant Drummond, afterwards Under-Secretary for Ireland, was employed by the Reform Administration in 1832 as one of the Commissioners for settling the boundaries of the new parliamentary borough of Manchester. There he found a poor lad, living amid all conceivable accompaniments of squalor and poverty, who, with the aid of the cheapest and coarsest pigments, had made some drawings which evinced considerable genius for design. Mr. Drummond learned that his sole source of instruction had been the illustrations in the magazine. He exerted himself in the youth's behalf, and ultimately had the satisfaction of seeing him established as a designer to a cotton-printer. Brougham also stated that one of our most rising sculptors had received the first contagion of the artistic afflatus from the same source. Another great triumph of the magazine was

that it drove many vile publications out of existence. The Almanack issued by the Society for the Diffusion of Useful Knowledge put an end to many silly fortune-telling tracts, and shamed the Stationers' Company into the abandonment of those which they had previously issued. Experience, however, he admitted, had taught that the plan of the "Penny Magazine" was defective in one particular: it erred in not sufficiently incorporating the elements of amusement and relaxation; and by its total omission of tales, and similar matter appealing to the fancy of readers. "It remains," he said, "for others engaged in the same good work of promoting the improvement of the people, to carry this plan a step further, but a most important step, by preparing cheap periodical papers, containing such proportion of works of fiction as should attract persons wholly bent upon entertainment and reading, without any direct view to useful knowledge."

He went on to pronounce an eulogium on one who was long recognized by Brougham as a worthy and sagacious fellow-worker in this great and good work, and who preceded the elder dispenser of useful knowledge to his rest and reward. No apology is needed for our transference of it to these pages:—

Of one individual, John Cassell, who has taken a leading part, or perhaps the most prominent part, in these important proceedings, it is fit to mention the name, because he was himself a working man, rose by his industry from a most humble station, has constantly lived with the working classes, and has the most complete knowledge of their habits and their tastes from daily unreserved intercourse with them.

At the Congress held at Edinburgh, in 1863, Brougham recurred still more fully to the educational efforts with which the names of Mr. Cassell and his partners were and are identified:—

The circulation of cheap works is now enormous, and the low price marvellous, as, for instance, the various publications of our worthy colleague, Mr. Cassell. He and his partners, Messrs. Petter and Galpin, have invested a large capital in the most important and philanthropic business, and it is to be hoped that they may soon receive their just reward in the return of it. Their "Educator," "Quiver," and "Pilgrim's Progress" have been well-nigh finished. Of their "Bible" 212 weekly numbers have appeared; the price is a penny, and for this are given eight pages quarto of letterpress, and five really beautiful prints. The number sold is 300,000, and thus, when it is completed, there will be circulated no less than 63,000,000 of the weekly numbers. The sacrifice made, it is devoutly to be hoped, may be only temporary; and in contemplating the circulation of this and the other works just mentioned, Mr. Cassell and his partners may well say that they have converted every poor man's house into a school of moral and religious instruction. These are great things, on which the friends of social science may rejoice as having been done of late years for the advantage, moral as well as material, of the people, and especially of the middle and working classes.

Bradford was the town selected for the third Conference of the Association. In June, 1858, Brougham had been elected perpetual President by the Council, and requested to deliver annually a review of the operations of the body and of the progress of social science generally. From this date, therefore, 1859, commenced that succession of extraordinarily comprehensive discourses with which our readers are familiar, and which will be of the highest value in future ages as "annual registers" of progress in England. In this year he luminously touched, among many other topics, the growing interest indicated by foreign countries, even Russia, in the deliberations of the Association; the adulteration of food; the deficiencies of the Public Health Act of 1857; quarantine; workhouse management; judicial statistics; the half-holiday movement;

savings banks; intemperance—this year being memorable as the first in which Brougham gave in his adhesion to the principle of “permissive” legislation against the traffic in strong drinks. A glowing passage referred to physical discovery in its bearing upon social problems. Touching philosophically, in passing, upon current political discussions, and especially upon the movement for further extension of the franchise, he denounced bribery at elections, if possible, with more than his wonted intensity of detestation, and especially stigmatised the briber. Having referred to an apologue which he had on a former occasion used in illustration of the guilt of those who invested their capital in slave-trading adventures, and who would have shrunk back from the horrors in that infernal traffic, but who were really as much guilty of piracy and murder as the wretches actually engaged in it, he proceeded to the following burst of honest indignation :—

These are greater crimes than the propagation of immorality and perjury throughout the community; but the relation of the principal and the agent is the same; and the former is equally guilty, though of a somewhat lesser offence; I say somewhat lesser, for I never shall forget the exclamation of an honest and experienced judge, the late Mr. Justice Williams, in conversation with Lord Denman and myself, that he felt a horror at seeing perjury committed before his eyes, only to be surpassed by the sight of murder. On our expressing a doubt whether he did not rate too high a degree of guilt unhappily too often incurred—“No,” said he, “and that only increases my horror of it; but were it confined to a single instance, what shall we say of his crime who deliberately calls upon the Almighty Judge of all the world to witness and to punish his falsehood?” What would this honest and learned judge have felt on seeing scores of men who had already voted, driven up by the zeal of an unscrupulous election agent, and again tendering their votes with the solemn oath that they had not polled before; and all for the purpose of gaining time that is

- pected voters might arrive before the close—the books of the poll-clerks making it certain that their second votes could not be received ; or what would have been his feelings had he seen the inhabitants of a town, filled with his old Yorkshire clients, generally and habitually selling their votes for a price, and with their minds made up, after having received it, to swear upon the Gospel of God that they had got neither reward nor promise of reward from any person whatever ?

He said he would have bribery made a misdemeanor. "For," said he, "it is clear that candidates and their agents, whom no dread of defeat or expense can restrain, will shrink from the hazard of an infamous punishment when they see the treadmill as well as the House of Commons at the end of the vista which leads from the hustings."

In 1860 the social reformers for the first time crossed the Tweed. At Glasgow, Brougham and his "collaborateurs" received an almost tumultuously hospitable welcome in that truly vigorous and warm-hearted British city. In his address Brougham did not fail gracefully to refer to the lustre which the names of such men as Hutcheson, Adam Smith, Black, and Watt had shed over the great manufacturing and trading emporium on the Clyde. A remarkably felicitous innovation was here introduced, in the shape of a mass-meeting of working men, all trade delegates admitted by tickets, and all friendly to the objects of the Association. This last fact was further proved by another wise innovation—the presence of a large number of trades' union representatives at, and their participation in, the discussions in the fifth, or Social Economy section of the Conference. Eclat was also shed over the deliberations this year by the presence of many sympathetic representatives from foreign Chambers

of Commerce, including men so distinguished as Mr. Desmarest and Garnier Pages. In his address Brougham was especially, and humorously, severe upon the painful sluggishness of Parliamentary procedure in the direction of social and other reform. He quoted an anecdote related in his "Apothegms by Bacon," a philosopher with whose writings his mind may be, without exaggeration, said to have been saturated. Popham, Speaker of the House of Commons in Queen Elizabeth's reign, being asked by Her Majesty—"Now, Mr. Speaker, what hath passed in the Commons' House?" replied, "If it please your Majesty, seven weeks." Six profitless months of so-called Parliamentary action had, said Brougham, been wasted in this year. Referring to the then approaching election of an American President, in succession to Mr. Buchanan, Brougham showed his perfect apprehension of the unmistakable issue involved. It was, whether American slavery was for the future to be regarded as national and universal, or as only sectional, and sanctioned merely by the law of particular districts. This year was specially memorable as the first in which Brougham expressed his approval of the principle of co-operation; and a large division of his address consisted of a commendatory description of the Rochdale "Equitable Pioneers."

In 1861, the peripatetic reformers crossed St. George's Channel, and held their meeting at Dublin. Brougham expressed his congratulations at the repeal of the paper duty, having in the previous year designated the resistance of the Peers to its abolition by the Commons, as within the letter of the law, but opposed to the best interests of the community. Words of congratulation were also forthcoming about the emancipation of the

Russian serfs, and the partial accomplishment of Italian unity. Again he advocated the Permissive Bill, and, reviewing the first stage of the civil war in America, expressed the following wish :—

We should ill represent the friends of the science we cultivate if we did not breathe an earnest hope for the termination of a civil war, the real origin of which has been the disappointment of faction in the thirst for places, and which, as if to make it more respectable and more amiable, has assumed as its avowed principle the perpetration and extension of slavery, now for the first time declared to be a good in itself. Surely, without offence to either party in this lamentable contest, we may breathe a wish that the least of the war's evils, its heavy expense, were bestowed upon the redemption of the coloured race, upon the amicable removal of the greatest obstruction that exists to American prosperity, the greatest blot that rests upon the American name.

The association chose the metropolis of the empire as its place of meeting for 1862. The Guildhall and its adjacent chambers were assigned them by the City Corporation for their deliberations; but Lord Brougham's address was delivered in the larger and more appropriate arena of Exeter Hall. Among other subjects touched and adorned by him may be specially mentioned his warm *éloge* on Prince Albert, who died shortly after the termination of the Dublin conference; an expression of regret at Prussia's departure from a liberal policy; warm congratulations tendered to the young kingdom of Italy; a high eulogium on the Government of President Lincoln for its concession of the right of search in cases of suspected slave-trading, which he regarded as the crown and culmination of the blows struck throughout the century against the Slave Trade; and a most tender-hearted reference to the long-suffering patience of the poverty-stricken cotton operatives of Lancashire.

Encouraged by the warmth of the reception which they had met at Glasgow in 1863, the social reformers again migrated to the north of the Tweed ; this time fitly choosing their President's natal city. In Edinburgh, all bodies, municipal, academic, and professional, vied with each other in doing honour to their honoured and honourable guests. The old Parliament House, whose oaken floor sixty years before the youthful advocate Henry Brougham had trodden, and to whose forensic honours and judicial prizes he had preferred the nobler "*gaudia et certamina*" of Westminster Hall, was accorded, along with its adjacent law courts, for their sectional meetings. For the larger gatherings the Assembly Hall of the National Church was allocated. The professors of the University invited the members to a *conversazione* in the noble college library. The directors of the National Gallery of the Arts and the fellows of the College of Surgeons showed similar hospitalities ; and Brougham addressed a mass meeting of artisans in the Music Hall—an arena redolent of the eloquence of Cockburn, the friend of his youth ; Macaulay, the ministerial colleague of his full maturity, and Guthrie, a worthy and equal coadjutor in that benign work of social reform which engaged and glorified the days of his hoary and honoured old age. To make the fine accessories and accompaniments of this gathering in the modern Athens complete, royalty itself was represented, in the person of the youthful and gallant Prince Alfred, who was then resident in Edinburgh, and attending the University. In his address, chronicling the necrology of the preceding year, and especially deploring the deaths of his esteemed colleagues, Sir James

Stephen and Sir Benjamin Brodie, Brougham gravely and reverently said :—

When our feelings, mine especially, are touched by the blank which surrounds us, it is our duty to submit, but it is also my consolation, at least, that separation from those we have loved and lost is drawing fast to a close. I may well say with Cicero when he was younger by a quarter of a century : “ *Me ipse consolabar, existimans non longinquum inter nos digressum et discessum fore.*”

This elevated attitude, this dwelling on the evanescence of mortality and the infinitely abounding consolation of the surety of a never-ending life beyond the grave, would seem to have taken unusually firm hold of Brougham in the preparation of this year's address. It was, indeed, its key-note and “motive.” In his concluding sentences he recurred to it, the following fine passage forming his weighty, solemn, and solemnising peroration :—

An Association like ours would have been deemed vain, or puerile, or absurd, by the ancient sages ; but so would they have had no belief in the merits and the services of the philanthropist—nay, been unable to comprehend them, nor imagine how virtue

“ —saw her Howard traversing the globe.

Onward he moves ! disease and death retire !

And murmuring demons hate him, and admire.”

(*Darwin.*)

Those ancients, indeed, have told us what was their idea of happiness in the Isles of the Blessed, where they conceived the lot of the wise to be—that, freed from all care, their whole existence would be passed in investigation, and gaining a knowledge of Nature. How they would have pitied, if not despised us, when told that, without undervaluing the pleasures of extended knowledge, we yet regarded it as the greatest happiness which Heaven could bestow, to be graciously allowed the solace of looking down upon the scene of our earthly labours, and seeing with eyes which age and sorrow can make dim no more, the great body of those for whom we had toiled and suffered exalted by the possession and by the right use of the gifts we had helped to bestow !

Some unhappily there be who will not permit us to indulge in such hopes ; who believe—at least, maintain—that our death and our extinction happen together. . . . The promoters of Social Science regard such errors with contempt, only softened by pity. Theirs is the belief held, theirs the hope cherished, by Hale, and Bacon, and Locke, and Newton—belief in the “ King Eternal, Immortal, and Invisible, the only Wise God ”—hope inspired by the study of His works, and confirmed by His revealed Word.

The two succeeding conferences—that of 1864 at York, and of 1865 at Sheffield—we can do no more than mention. We only cull, on account of its important biographical value, the following sentence from the York inaugural address.

Of the honours and distinctions with which a long life has been blessed, the very highest must ever be reckoned my election to represent Yorkshire, the last time that it was fated to choose members for the whole undivided province ; and there still live those my colleagues in office, who know how bitter was the pang of exchanging that proud position for the highest office in the State—how reluctantly the step was taken, how firm the determination of refusal, and to what urgent remonstrances submission was yielded.

At this Congress, Brougham paid a touching tribute to the memory of his old rival, Lord Lyndhurst, whose talents were arrayed against him on the Queen’s trial, and on scores of occasions in both Houses of Parliament. Lyndhurst was one of the illustrious dead of the preceding year. Brougham stated that the New Testament had been the constant companion, and its Divine utterances the solace, of his last days.

Brougham died a widower and childless. A story was current some years ago that he was disappointed in the object of his first love. The following narrative, extracted from a biography of Brougham, under the date

of 1840, we present literally as we find it, without at all vouching for its accuracy:—

To those who are in the habit of attending the debates in the House of Lords, the bickerings which occur between the Marquis of Londonderry and Lord Brougham, and the bitterness with which the ex-Lord Chancellor is in the habit of attacking the noble Marquis, have frequently proved a source of amusement, both to the peers in the body of the House, and the more humble auditors assembled upon sufferance in the gallery; and many of the latter, not in the secret, have expressed their astonishment at the rancour apparently engendered, as they supposed, by a difference in political opinion between these noble opponents. Such, however, is not the origin of that species of opposition which displays itself between them. They are now rivals in the arena of politics; but, if report speaks truth, they have formerly been rivals in the field of love, and on that occasion the noble Marquis was the successful competitor. Early in life, it is said, Mr. Brougham was counsel, on some occasion, for the late Mr. Michael Angelo Taylor, who was the guardian of Lady Vane Tempest. The lady had a splendid fortune, and Mr. Taylor, influenced by friendship for his young, learned, and eloquent friend, determined that the hand and fortune of his lovely and wealthy ward should be the reward of his transcendent talent. The mother of Lady Vane Tempest had, however, formed other views for her daughter; she had selected for a son-in-law the gallant Sir Charles Stuart, then a favourite at Court, the brother of the influential Minister of the Crown (Castlereagh), and the representative of his Sovereign at the Court of Vienna. The young lady, on this occasion, appears to have agreed in opinion with her mamma—rather an extraordinary coincidence, perhaps, but such was the fact. The interposition of the Lord Chancellor was prayed by the ladies, and Lord Eldon, after a sufficient time devoted to doubting, found the balance of his opinion inclining to the side of beauty and valour. He determined in favour of the gallant soldier, and against the special pleader. Mr. M. A. Taylor lost his ward, but his friend had a more severe cause of regret against this decision—he was deprived both of the lady and her fortune. The recollection of days gone by may be bitter, but revenge is said to be sweet. Lord Brougham may, perchance, feel this gratification when he, by the force of his eloquence and his satire, makes the Marquis of Londonderry pay the debt of obligation incurred by Sir Charles Stuart.

We leave our readers to attach what amount of credence they choose to the above, merely remarking that we extract the passage from a source which we have discovered to be on the whole trustworthy ; and that we have learned that the story was prevalent, and believed to be a true one in many quarters, some thirty or forty years ago. We have already chronicled in its proper place in our narrative the marriage of Lord Brougham, in 1819, to Mary Anne, eldest daughter of Thomas Eden, Esq., niece of Lords Auckland and Henley, and widow of Colonel Spalding. The issue of this marriage consisted only of two daughters. One, Sarah Eleanor, died very young ; the other, Eleanor Louisa, had just reached woman's estate when she too was taken. She died at Brighton, in the nineteenth year of her age, on the 4th of December, 1839. The remains of this beloved daughter were deposited in that part of Lincoln's Inn which was then enclosed, and appointed for the burial of the dead. This was said to be the only instance on record of the interment of a female in the burying-place of Lincoln's Inn. It had been previously exclusively preserved for the resting-place of the benchers of the Inn. Lord Brougham made an application for permission to have his daughter buried there, accompanied by a statement that it was his intention to be buried in the same grave himself. A special meeting of the council of benchers was called, to take the application into consideration. They unanimously agreed that the privilege asked for should be granted. This was justly regarded as a mark of the highest respect and esteem in which Lord Brougham could possibly be held by this learned body ; for Lord Erskine had applied to the same tribunal to have his

wife buried in the same place, but, though he was also a bencher of the Inn, his request was not granted.

Twenty-five years after Lord Brougham and his wife were thus rendered childless, Lady Brougham herself, being in her seventy-eighth year, died, as her daughter had died, at Brighton, on the 12th day of January, 1865. The patent of peerage which had been in ordinary course granted by King William to Henry Brougham and the heirs male of his body, was graciously, in the year 1859, enlarged by Queen Victoria. The succession was extended to Lord Brougham's next surviving brother, Mr. William Brougham, the father of at least one youthful son. In all human probability, therefore, the distinguished barony of Brougham and Vaux will be perpetuated to future ages. May none of its inheritors ever soil or sully it, or cause the descendants of Brougham's contemporaries to regret one of the most gracious acts of the reign of the best woman who ever ruled over England and her imperial dependencies.

In the year 1864, M. Berryer, one of the most distinguished advocates of Europe in the nineteenth, or in any, century, was the guest for some time of his friend Lord Brougham, in Grafton Street. The bar of England took occasion of the presence of Berryer to entertain him at a complimentary banquet. It took place in the fine old hall of the Middle Temple, on the evening of the 8th of November. There had not been held such a gathering of the legal profession within the memory of the oldest member of it. Sir Alexander Cockburn, the eloquent Chief Justice of the Queen's Bench, presided. Lord Brougham was present, and among other distinguished invited guests was Mr. Glad-

stone, who eulogised the forensic profession as the last palladium and shelter of liberty in lands otherwise completely submerged under the black flood of political slavery. Brougham, replying to the toast of the House of Lords, said that

He had always the greatest pleasure in meeting the members of the noble profession to which they all belonged, but especially on the present occasion, when they were assembled to do honour to one of its greatest ornaments. He should not liken M. Berryer to any of the great orators of classic times, but to one greater than them all—our own Erskine—one of the greatest advocates, perhaps, the world ever saw—and with whom M. Berryer might be fairly put in rivalry. In both of them he had remarked that faculty of conducting cases with perfect skill and matchless eloquence; and in both, above all, he had noted that indomitable courage which, in the interests of their clients, quailed neither before Kings, nor Courts, nor Judges. . . . In this country the administration of justice depended principally on the purity of the judges; but next, on the prudence, the discretion, and the courage of the advocate; and no greater misfortune could befall the administration of justice than an infringement of the independence of the Bar, or the lack of courage of our advocates.

On the following day, it being Lord Mayor's Day, great *éclat* was given to the banquet at the Guildhall by the presence of the two old men eloquent, Berryer and Brougham. Both were rapturously received, and toasted with acclamation. It was Brougham's lot to reply, in conjunction with Earl Granville, for "the House of Lords." He proudly referred to the fact in his reply, that he had been a citizen of London for nearly half a century. And he was proud of the event which was the cause of his being enrolled a citizen. "It was," said he, "my having, in the discharge of my professional duty, resisted all the force of a powerful—I will not say corrupt—but powerful and unscrupulous Court, and having by that resistance defeated their project of ruining a

highly-connected individual." A dissolution of Parliament being generally expected in the course of the ensuing year, Brougham forgot not to repeat his oft-reiterated denunciation of bribery, and adjured the City to remain staunch and true to the good old example of purity which she had continuously set.

Eighteen hundred and sixty-six was the last year of Brougham's Presidency of the Social Science Association. The infirmities of his great age compelled his resignation, and the Earl of Shaftesbury was appropriately elected in his stead. Brougham delivered some part of the inaugural address in the department of Law and Jurisprudence, but most of his manuscript was read to the members of the Conference, which met this year at Manchester, by Mr. Hastings. The Congress met immediately after the victories of Königgratz and Sadowa concluded the deadly Seven Weeks' War between Prussia and Austria. The following startling sentences were those with which Brougham's address concluded :—

Mankind will never be free from the scourge of war until they learn to call things by their proper names, to give crimes the same epithets whatever outward form they may assume, and to regard with equal abhorrence the conqueror who slakes his thirst of dominion with the blood of his fellow-creatures, and the more vulgar criminal who is executed for taking the life of a wayfaring man that he may seize upon his purse. While men will fight and slay their tens of thousands, the crime of murder on the largest scale must go on, unpunished and unrepented. Yes, unpunished in this world. But our Heavenly Father, bestowing freewill on his creatures, hath declared them accountable for its abuse ; and, administering justice in mercy towards the numbers deceived or compelled into blood-guiltiness, he condemns those who betrayed or forced them as their accomplices or their instruments to the unspeakable and enduring torments of hell.

In forwarding to his friend Berryer a copy of the ad-

dress of which these words formed the conclusion, Brougham thus wrote :—

Cannes, Dec. 23. My dear and illustrious "confrère," I send you the report of the discourse which I delivered at the Manchester Congress ; and, as it was in my eighty-eighth year, it is almost certain that I shall not deliver another. On taking leave of the public, I thought it incumbent on me to express my sentiments against wars, and against those great murderers of whom the Emperor Napoleon I. was the most guilty. But I have added that his nephew, Napoleon III., has great merit for his declarations against war. My indignation against those murderers was accompanied by my scorn for the folly of those who encouraged them by their applause. Accept the assurance of my sincere friendship.—H. BROUGHAM.

In still other capacities Brougham, in his extreme old age, was much before the public ; presiding as Lord Rector over the (academically) first enfranchised members of his own University ; again presiding over a meeting of affiliated Mechanics' Institutions in the north ; inaugurating the statue of Sir Isaac Newton at Grantham ; appearing frequently at meetings partaking more or less of the character of demonstrations, convened by the vigilant few who keep watch over the remnants of slavery and the trade in men. Add to these avocations the reading of an occasional paper on optics or some kindred science before the French Institute, and the supervision of the publication of a new edition of his works ; and some idea may be formed of the activity of his octogenarian age. Almost until the end, age hardly seemed to touch him. His mind remained vigorous and elastic, and time dealt gently with his body. True, his voice could no longer compass the clangorous tone and not altogether unmelodious shriek which were, in earlier years, the vehicle of his eloquence ; but his hair, though venerable in its whiteness, yet hung—a very matted

thatch—over his brow, and he was as agile as many men of half his age.

The following pen-and-ink portrait of the man and his personal belongings, executed by Mr. Francis a few years since, may be guaranteed to be as accurate and life-like as it is vivid and vivacious :—

In the vulgar acceptance of the word, Lord Brougham is daringly eccentric. In free countries it is not permitted to men to differ from their neighbours, except in very slight and imperceptible shades. Custom out-tyrannises absolutism. In France or in Germany one may do as one likes, because society is ground down by a ruthless despotism ; but in England, do as you like if you dare ! Lord Brougham, it seems, chooses to do as he likes. After a long day of arduous labour, he prefers a walk to a ride ; and if his blood wants circulating, he walks fast ; when he speaks he speaks aloud, having been used to do so, as a matter of business, all his life ; if his hands be cold, he puts them in his pockets ; though fashions change for the benefit of tailors, Lord Brougham sticks (as many a north countryman has done before him) to the check in the plaid ; not being particular about hats, he does not wear his stuek perpendicularly on the top of his head, like an inverted chimney-pot, but lets it go aslant on the back, a practice less painful to his forehead ; being naturally of an ardent and excitable temperament, he uses much gesticulation in talking—about as much as a Frenchman would require to tell you it is a fine day ; in short, Lord Brougham commits divers offences against the leaden sovereignty of custom, all which are peculiarly shocking in a peer. Being, too, naturally of an affable and sociable disposition, he fraternises quickly with those for whom he takes a liking, and spouts out his thoughts and feelings, instead of filtering them, as your grave ones do. He is in the world and of the world ; a fast friend ; the gayest and wittiest of companions ; the most enjoying and the most enjoyable ; a patriarch in experience and sagacity, but a schoolboy in freshness of feeling. He is a man, not an embodied abstraction. He is odd, unique, “bizarre”—anything but eccentric ; for there is not a man among us who has his “aplomb,” or whose moral and mental centres of gravity more firmly point the violent oscillations and gyrations of his passionate energy.

The last hour arrived almost imperceptibly. In the

genial climate of Cannes the venerable old man enjoyed life to the very last. With methodical regularity he drove out in his carriage every afternoon, returning home to dinner between five and six o'clock. About nine he usually retired to rest, and slept till the early dawn. On Thursday night, May 7th, 1868, Lord Brougham laid him down for the last time. One of the servants looked in, as usual, shortly afterwards, but no human service could ever more avail the aged peer. The spirit had passed away while the body reposed, calmly and tranquilly, without pain or regret. On the 19th September Lord Brougham would have completed his ninetieth year.

Brougham was a voluminous author. Of his works on subjects of abstract science, the present writer does not profess competence to judge, and it is enough, therefore, to say that those who can estimate them, accord to them a fair, but by no means exaggerated, tribute of commendation. His critical essays in the *Edinburgh Review*, while the range of their themes proved, in a certain degree, the wideness of the reviewer's knowledge, indicated to a still larger extent the self-reliant confidence he entertained in his own powers. As criticisms, they are not infrequently tinged with unfairness; but, for the most part, they display a really judicial intellect, impartially and fairly exercised. In these, and in his other writings, Brougham pays no heed to style. The vices of oratory, and the literary taint which most lawyers derive from the documents proper to their profession, co-operated to injure Brougham's style as a writer. But though cumbrous and involved, he is never confused himself; and for the reader, it is impossible to mistake his meaning. The stream is troubled, but it is

clear ; its surface is rough and uneven, but it fails not accurately to reflect whatever overshadows it. In his great speeches—at least in the great and laboured portions of them—it is evident that Brougham paid much attention to his style, but to the style of his thought, and the fitness and apportionment of his illustrations ; not, as it seems to us, to the mere ordering and choice of words. A quick flow of unexpected antitheses is not, we believe, the possible product of extemporary oratory, even when the mind of the speaker is in that white heat which is so productive—often to the surprise of the orator more than the auditory—of splendid images and excellently devised arguments. Where, then, such passages occur, there must have been in the study—labour, care, rejection, choice, re-arrangement, finish. But it was, we believe, the order of the thought and its illustrations, which was elaborated and finished ; and to the words there was given no other heed than that they should correctly express the thought.

As a speaker—for we have drifted into the criticism of his oratory, intending merely to illustrate his written by his spoken words—Brougham was extremely unequal. His mediocre speeches—all but those which are really great—are the dullest and the heaviest reading. In all his speeches, however, the same method may be observed. He invariably commenced with the careful and ample statements of the general principles he meant to apply to his minor argument. This preface often seemed quite irrelevant to the subject of debate ; but when in a moment he bounded from generals to particulars, and seized upon the marrow of the question, the relevancy of every preceding word became clear to all his auditors.

His speeches were simply intellectual ; he never tried to be winning and persuasive. If he neared this field, his instinctive sense apprised him of the awkwardness of his gait, and he retired to the regions of logic, invective, and sarcasm. Once the position he attacked was brought by him under fire, he never stopped till it was battered down. He generally stuck to the same breach, and he escaped the error of, probably, the majority of controversialists, who weaken each several argument by the multiplicity of the others, and make their hearers believe that they would not use so many did not the weakness of each seek support from the rest. Brougham showed that he knew that one missile well shot home is worth a hundred handled and then laid aside. His manner of speaking was in the highest degree energetic, earnest, and vivacious. He was most vivacious and self-possessed when he stood most alone, as when he spoke in the Reform times to the Peers, of whom he could not say that one man loved him, and of whom he knew that the great majority ardently detested him. He possessed that most useful natural weapon to the orator of attack, as distinguished from the orator of persuasion—the faculty of easy anger. It was real in his case, but often only temporary. It served his purpose none the less effectually, and was at as ready command as are the tears of some women. He always “blew up” his opponent. Everything in which he did not believe incensed him. He was not like many of the greatest human reformers, a man of one idea, brooding over it, and seeing mankind in the light only of his own special project of amelioration. Brougham was the furious paladin of all progress. He did not care which combatant came on. With enough

of misanthropy to be philanthropical, he personified in his opponent of the moment all the vices of the system he upheld, and struck at him with zeal according. One error of his speeches was, that they were frequently crowded with wearying details; another was that he used much superfluous force. There was a want of repose. He fought pigmies and giants with the same club, always vociferating the same loud war-cry. He "fired a cannon against a sparrow." Among the minor merits of his oratory, the absence of all finical tendencies and dilettanteism is most noticeable and admirable. Whatever else, he was always healthily rough, manly, and sensible.

We return to what Brougham has written. In 1844 a novel was published, entitled (we think) "Albert Lunel; or, the Château of Languedoc." It was withdrawn from sale after a few days' circulation. It is believed that Brougham wrote it. We think there can be no doubt of it; for we know that Lord Jeffrey, who was most likely to be correctly informed, had it bound uniformly with the works of his friend, and set beside them in his library. Brougham showed a great interest in physical science. This was natural, for he reached maturity just when physical science, as patiently and inductively cultivated by the moderns, was opening upon the gaze of man. Brougham was much the better for his knowledge of nature. Physics did not make him materialistic or hard-headed, as their study is materialising and hardening so many labourers in this field, younger by scores of years than Brougham. He had too much knowledge of men, too much human sympathy, for this effect to be produced. He applied his knowledge to the argu-

ments of natural theology. He edited and annotated Paley, we think not very successfully; nevertheless, the annotator seems to us as well worth reading as the annotated. His works on political philosophy and the constitution of England, are sound, but do not seem to us to be remarkable either for excellence or originality. He wrote at least one history—that of “England under the House of Lancaster.” In this book he is absolutely, and without the shadow of a bias, dispassionate and judicial. Would that every chapter of Hume were as well and as impartially re-written! But the historic integrity of a Brougham is as rare as the partialities of a Froude and a Macaulay are plentiful. But it is as a biographical memoirist that Brougham, as a writer, merits the highest praise. His work on the philosophers and men of science of the reign of George III. is a most valuable book; his memoirs of the statesmen of the same era is, in our firm belief, the best political history of the reign in existence. And as regards those of the statesmen with whom Brougham himself came in contact and in conflict, the portraitures are impartial, appreciative, and most obviously life-like. Were we to enumerate Brougham’s pamphlets, avowed and anonymous, and authorised reports of his speeches, we should fill the space occupied by this chapter by their mere catalogue.

What was the character, and what the amount, of Brougham’s greatness, we shall not pretend to decide. That he was an *extraordinary man* is obvious enough, if from nothing else, from this; he *studied* as much as most students who have lived in his time; he *wrote* as much as the majority of contemporary writers; no man contemporary with him, in all probability, *spoke*

more than Brougham; we doubt if any man *did*, or effected, so much as he. The difference between England and the law of England fifty years ago—using the term “law” in its broadest sense, as including all that can be legislated about—and between the England and the law of England of to-day, can be more largely explained by what Brougham did, than by what any other one man ever did.

He was the true representative of his time. He and his age kept step all along. Frequently far ahead of the general average of the line of progress, he was seldom far behind. He represented the age in its strength and in its weakness—in its versatile many-sidedness, in its self-preserved restlessness, in its reliant pertinacity of pursuit, in its strong faith in the future, in its equally strong faith in its own capacity to realise the future of its aspiration. Brougham the octogenarian was as young as any other Englishman. He was no nearer the horizon of aspiration and endeavour which seemed to mark the limit of his journey at its outset, than when he started. To the future he ever pointed, though no man living could so excusably repose upon the past. The worthiest legacy he has left behind him, is the precept to continue the arduous itinerary in which he travelled so far and so long, but in which he never till the end became footsore or faint.

THE END.

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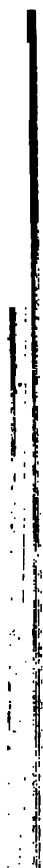
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